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ABSTRACT

This 1975 annual report of the Citizens' Advisory Council on the Status of Women describes the many achievements accomplished by women during the year and discusses Council activities and recommendations. The first part, reporting on women in 1975, discusses politics, education, media, health, family life, employment, and other areas in which women's groups and individuals acted to accomplish their stated goals. The second part, comprising the major portion of the document, contains appendices which describe the activities and list recommendations of the Council along with some statistical information. The appendices contain an index to Council recommendations; and index to Council publications; Chairperson Jacqueline G. Gutwillig's speech on the status of women given at the White House in May 1975; Presidential Proclamation on Women's Equality Day; names of states that have ratified federal and state Equal Rights Amendments (ERAs); list of national organizations which are supporting the ERA; names of organizations which oppose the ERA; statistics on women in public office 1975-1976 and the names of women in Congress; description of women and employee benefit plans; recommendations concerning social security made by the Council to the Secretary of Health, Education, and Welfare; college plans of high school seniors by sex and race 1972-1974; memorandum on the need to examine health care for female offenders; statistics on total money income of households by sex of head of household; and National Women's Conference Bill. (Author/RM)

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WOMEN

IN

1975

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CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN
Washington, D.C. 20210

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

Washington, D.C. 20210

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WOMEN IN 1975

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

Transmitted to the President, March 1976

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Citizens' Advisory Council on the Status of Women
Washington, D.C. 20210

Chairperson
Mrs. Jacqueline G. Gutwillig
Arizona

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

The Citizens' Advisory Council on the Status of Women is honored to submit to you its annual report for the year 1975.

Since 1969 this Council has been a part of the efforts to enhance the progress of American women and we have seen important advances in achieving recognition for the talents and capabilities of women. More women have moved forward through the opening up of professional opportunities, have received recognition for their work in homemaking, and were offered new opportunities in the educational field. However, all is not won.

While doors are opening, a portion of our society does not view women as having potential for growth, even though many today agree with what was said so aptly by Abigail Adams in 1809. Mrs. Adams stated, "Life stagnates without action," and she went on to explain that far from being overburdened with cares and responsibilities she would rather have had too many than too few.

The Citizens' Advisory Council on the Status of Women, in its concern with equality of treatment and its willingness to assume responsibilities, takes pride in helping to establish laws and guidelines, and helping to change ingrained negative attitudes so that American women can be active citizens in every sense of the word. Our endeavors this past year reflect beginnings and achievements toward those ends. This report sets forth these activities and recommendations.

The Council is privileged to serve your administration and to share in its programs. To indicate but one significant Administration policy, we commend your strong leadership in making International Women's Year 1975 most productive through arousing the consciousness of our nation's people to the need to achieve legal equality.

Respectfully submitted,

Jacqueline G. Gutwillig

JACQUELINE G. GUTWILLIG
Chairperson

WOMEN IN 1975

International Women's Year, 1975, impelled a close look at efforts to achieve equal opportunity for American women. The Citizens' Advisory Council on the Status of Women assessed its progress toward this goal and presents a cumulative list to date of recommendations and publications since the Council's appointment in 1969 (Appendix A & B). While many projects have yet to reach maturity, positive action has been taken in almost every area of concern. Such progress is reflected, for example, in the final adoption of Title IX regulations, and final adoption of the Equal Credit Opportunity Act regulations

Chairperson Jacqueline G. Gutwillig summarized current activities of the Citizens' Advisory Council on the Status of Women in a speech during a day-long conference at the White House in May 1975 called by the President's Special Assistant for Women and the Citizens' Advisory Council on the Status of Women (Appendix C). Participants at the conference included members of the Citizens' Advisory Council on the Status of Women, the Health, Education, and Welfare Secretary's Advisory Committee on the Rights and Responsibilities of Women, the Labor Secretary's Advisory Committee on Women, and the Defense Advisory Committee on Women in the Services. The conference focused on undertakings of mutual interest, and resulted in a clear understanding of each group's activities and aims.

President Gerald R. Ford proclaimed August 26, 1975 Women's Equality Day, and called on all citizens to mark the day. The proclamation emphasized the need to ratify the Equal Rights Amendment and that it "would be most fitting for this to be accomplished during our Nation's two-hundredth year. . . In this Land of The Free. . . it ought to be that all men and all women are equal before the law." See Appendix D for complete proclamation.

INTERNATIONAL WOMEN'S YEAR

International Women's Year was a time during which American women, along with women from many countries, analyzed progress being made toward full partnership. Celebrations included local, national and international observances. Politics, education, media, credit, health, family life and employment are all areas in which women's groups and individuals acted to accomplish their stated goals. As the year drew to a close, The United Nations General Assembly adopted a resolution designating 1976-1985 as The Decade For Women: Equality, Development, Peace. The next ten years will evidence the birth and fruition of programs worldwide within this overall theme.

President Ford focused attention on International Women's Year in January 1975 by announcing formation of a National Commission on the Observance of International Women's Year. Thirty-five members were appointed in April. The Commission is studying a wide variety of issues and will submit its report and extensive recommendations by July 30, 1976. The Commission has published an informative paper entitled *Chronology of the Women's Movement in the U.S. 1961-1975*, available at the National Commission Office, D/IWY, Room 1004, Department of State, Washington, D.C. 20520.

International Observances

International Women's Year was highlighted by a world Conference held in Mexico City June 19 to July 2, 1975. More than 1000 official delegates and advisors, representing 123 nations and 21 liberation movements, 1300 journalists and 4500 participants gathered in a worldwide pioneering effort for women. The official United Nations Conference was held at the initial request of the United States, and resulted in notable "firsts" for the women's movement and for the United States: the first meeting of worldwide governments to consider women's issues; the first U.S. delegation headed by a woman, Honorable Patricia Hutar; and the first time the majority of delegates to a conference were women. A follow-up world conference has been scheduled by the United Nations for 1980.

The official U.N. delegations met for two and one half weeks in conference and adopted a World Plan of Action. The World Plan of Action calls for extensive social, legal, and economic changes, and lists specific goals to be met within the ten year women's decade.

The World Plan of Action has been distributed to 14,500 individuals and copies are available from the Office of Media Services, Bureau of Public Affairs, U.S. State Department, Washington, D.C. 20520. An edited and summarized version of the World Plan of Action is published and available at the Women's Equity Action League. Write: WEAL Fund, 823 National Press Building, Washington, D.C. 20045.

At Mexico City simultaneously with the U.N. Conference, was held a non-governmental, privately financed gathering of thousands of women called the "Tribune." Tribune participants held their own workshops and then met with conference delegates to assure full coverage of women's issues. In July also in Mexico City, the American Association for the Advancement of Science held a significant invitational conference on the roles of women in the developing countries.

The Conference, Tribune, and AAAS conference demonstrated the strength and solidarity of purpose which exists in the worldwide women's movement, and represent a historic turning point in the struggle for full partnership.

Media Coverage and the Mexico City Conference

Many women and women's groups in the United States were disturbed when viewing publicity of the International Women's Year Conference in Mexico City. There were few TV or radio spots or news articles which registered the importance of thousands of women meeting for the first time in history to work on unified goals

Americans saw and read of demonstrations and confrontations that actually absorbed a fraction of the participants' time at the Tribune. The World Plan of Action, passed unanimously at the U.N. Conference, received scant media coverage of this historic action.

The spirit, vigor and strengths exhibited at Mexico City could not be fully appreciated by the American public at the time of the Conference. Therefore, the conference delegation members and advisors and tribune participants, now returned to their communities, are spending much time communicating the actual events of Mexico City.

National and Local Observances

Throughout the United States there was widespread participation in International Women's Year. Organizations sponsored special projects and conferences to mark observance of the year. The spirit and activity was noted aptly by Dr. Ruth Bacon, Director of the U.S. Center for International Women's Year. She stated, "International Women's Year has brought worldwide change beyond all expectations. The programs, projects and conferences on all levels--city, county, state and federal--have covered the full range of topics of primary interest to women."

The U.S. Center operated as a clearinghouse for information about the year and published a monthly newsletter cataloguing nationwide activities. At the close of the year 10,500 individuals and groups representing all United States and jurisdictions and 50 foreign countries had requested inclusion on the Center's mailing list.

On August 26, 1975 at Seneca Falls, New York the U.S. Postal Service issued a commemorative stamp to celebrate International Women's Year. The drive to commemorate International Women's Year with such a stamp was spearheaded by the Citizens' Advisory Council on the Status of Women and the U.S. Center for International Women's Year. The IWY Stamp was designed by Miriam Shottland of New York and features a white dove emerging from the symbol representing women. The U.S. Postal Service reports 476,769 first day cancellations for the stamp.

The National Women's Agenda is a significant nationwide project which developed within International Women's Year. The Agenda is coordinated by the Women's Action Alliance and involves participation by 94 national and many more local organizations. Eleven priorities are listed by the Agenda and are as follows: 1) Fair representation and participation in the political process. 2) Equal education and training, 3) Meaningful work and adequate compensation, 4) Equal access to economic power, 5) Quality child care for all children, 6) Quality health care and service, 7) Adequate housing, 8) Just and humane treatment in the criminal justice system, 9) Fair treatment by equal access to the media and the arts, 10) Physical safety and 11) Respect for the individual. The Agenda was presented to government officials on December 2, 1975, and national and local task forces are active in each priority area. A monthly newsletter is published and available, along with additional information about the National Women's Agenda at the Women's Action Alliance, 370 Lexington Ave., New York, New York 10017.

There were many conferences during International Women's Year which accentuated goals and accomplishments of women. One exciting national conference was held by the Women's Bureau, U.S. Department of Labor, in celebration of the Bureau's fifty-fifth anniversary and International Womens' Year. Entitled "Women in the Economy: Full Freedom of Choice", the Conference was held in September, 1975, and attracted women from all the states. With a goal of providing "how to" knowledge to conference participants, in depth attention was given to topics including: Surviving Dual Responsibilities of Workplace and Home, Getting Government Funding Systems to Work for You, How to Use and Develop Resources, How Constituents Use Clout, and Enforcement Systems. Also explored were the topics of. . . The Changing Role of the Private Household Worker, The Female Offender, Economic Contribution of the Homemaker, and Child Care. Women representing North American Indians, Mexican Americans, Vietnamese, Chicana, Asian Americans, and Appalachians spoke to the full conference on issues and contributions of their groups. The Conference report will be available from the Bureau in the Spring, 1976. Write: Women's Bureau, U.S. Department of Labor, Washington, D.C. 20210.

In summary, International Women's Year demonstrated the rich diversity of women from varying heritages around the world. The year fostered as well a realization that unity of purpose in achieving equality is essential and possible.

EQUAL RIGHTS AMENDMENT*

In 1975 one State, North Dakota, ratified the Equal Rights Amendment, bringing the total number of states to have ratified the Amendment as of this date to thirty-four. The two states wishing to rescind (Nebraska and Tennessee) raise a constitutional question. Counsel to the Congressional Subcommittee on Constitutional Amendments has stated that in his legal opinion, "when a state has voted yes it has exhausted the only power conferred on it by Article V of the Constitution and may not therefore rescind such action." Constitutionally it is possible for a State that has voted no to reconsider and change to a yes vote. Four more States must ratify by March 22, 1979. The ERA will then become the 27th Amendment to the Constitution. Appendix E depicts States which have ratified Federal and State Equal Rights Amendments. Supporters of the Equal Rights Amendment are listed in Appendix F; opponents are listed in Appendix G.

Defeat of the State Equal Rights Amendments in New York and New Jersey in November 1975 was discouraging to many women. Analysis indicated that the campaign waged by anti-ERA forces was very influential in that defeat. The anti-ERA opinions used in the New York and New Jersey campaign included the prediction that passage would destroy family life and women generally would lose right of support. These claims have been countered by reports issued late in 1975 by the Pennsylvania Commission for Women. Pennsylvania has had a State Equal Rights Amendment since 1971, and its Commission for Women is charged with overseeing its implementation. In the summary of recommended changes the Commission has noted that legislative and court actions necessary to comply with the State's ERA have been favorable to women. There were not the deleterious effects predicted by anti-ERA claims. The report is available at the Pennsylvania Commission for Women, 512 Finance Building, Harrisburg, Pennsylvania. A stamped, self-addressed envelope is requested.

Among other successful ERA projects published in 1975 was California's Equal Rights Amendment Project--A Commentary on the Effect of the Equal Rights Amendment on State Laws and Institutions. This ERA project presents a detailed examination of changes needed to comply with the Equal Rights Amendment, including sections on state criminal law and penal institutions, education, family laws, state labor law, and property. The report is available from the California Commission on the Status of Women, 926 J Street, Suite 1014, Sacramento, California 95814.

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*In February, 1970 the Council endorsed by vote the Equal Rights Amendment. Miss Margaret Mealey, Member of the Council, opposed.

Available also in Ohio is the "ERA Law Project," an account of the steps necessary to comply with the Equal Rights Amendment in that State, plus an account of other legal steps desired by Ohio women. It is available from Attorney General's ERA Law Project, State Office Tower, 30 East Broad Street, Columbus, Ohio 43215.

In Wisconsin, the Governor's Commission on the Status of Women published in 1975 a handbook on Wisconsin Women and the Law. This book reviews Wisconsin statutes which particularly relate to women in the areas of marriage, divorce and legal separation, parental rights in children, names, employment, child care, education, family planning, taxes, business practices, criminal law, and economically disadvantaged women. The handbook is written with special attention to the effects of the passage, by the 1975 Wisconsin Legislature, of an omnibus bill requiring equal legal treatment between men and women in that State. The handbook is therefore a highly authoritative indication of the changes which will be made in the states when the Federal ERA is passed. For a copy of this report, please write: The Governor's Commission on The Status of Women, 30 West Mifflin Street, Madison, Wisconsin. 53703.

Early in 1976, a book will be published by the New York Coalition for Equal Rights covering the techniques of ERA ratification--including fund raising, press, voter registration and voter turnout. The volume will sell for $10.00 and be available, Room 1002, 210 Broadway, New York, New York 10007.

ELECTIVE AND APPOINTIVE OFFICE

Elective Office

New gains in political office were sought and achieved by women in 1975 despite it being an off-year for most elections. Notably, the country gained two new women Lieutenant Governors, Evelyn Gandy of Mississippi and Thelma Stoval of Kentucky, and two women Mayors, Margaret Hance of Phoenix, Arizona and Beth Finch of Fayetteville, North Carolina. A compilation of women serving in public office will be found in Appendix H; a list of women in Congress is printed in Appendix I.

Both the Democratic and Republican parties are organizing for 1976 elections. Women in both parties are working for full participation in the elective process. This includes women involved in developing overall and women's issues for the party platform, caucuses and delegations to conventions, and running as candidates for office.

The National Women's Political Caucus has formed Women's Task Forces for the Democratic and Republican Parties to assure participation of women at all levels of organization. The Democratic Women's Agenda has been articulated by a broad spectrum of women in the Party to press for cooperation in addressing women's issues. The Federation of Republican Women, under the direction of newly elected Patricia Hutar, is expected to do the same in the Republican Party.

The National Women's Educational Fund has sponsored regional "how-to" workshops over recent months in the Midwest, Southeast and Southwest to prepare potential women candidates for campaigning and office holding. The Fund expects to publish in the Spring of 1976 a curriculum package for women seeking elective office. Please write National Women's Educational Fund, 1532 16th St. NW, Washington, D.C. for more information.

A report entitled "Educating Women for Public Life: Report on Encouraging Women to Run for Public Office" was published and is available for $2.00 from the Center for the American Woman and Politics, Eagleton Institute of Politics, Rutgers University, New Brunswick, New Jersey 08901.

Appointive Office

In 1975, women gained stature through noteworthy appointments to public life. President Gerald R. Ford appointed to the following offices:

Carla Anderson Hills	Secretary, Housing and Urban Development
Betty Southard Murphy	Chairman, National Labor Relations Board
Betty Jo Christian	Commissioner, Interstate Commerce Commission
Mary Olmsted	Ambassador, Papua New Guinea
Judith T. Connor	Assistant Secretary of Transportation
Marjorie Ward Lynch	Undersecretary of Health Education and Welfare
Ethel Bent Walsh	Vice-Chairman, Equal Employment Opportunity Commission (reappointment)
Marguita White	Assistant Press Secretary to the President
Judith Hope	Associate Director, Domestic Council
Barbara Greene Kilberg	Associate Counsel to the President
Julia Cooper	Associate Judge, District of Columbia Court of Appeals
Anne Armstrong (appointed in February, 1976)	Ambassador, United Kingdom of Great Britain and Northern Ireland

Women in Politics: A Global Review by Kathleen Newland has been published by Worldwatch, a research institute located in Washington, D. C. The report summarizes the political participation of women in governments throughout the world, and analyzes barriers to their full participation. The report is available for $2.00 from Worldwatch Institute, 1776 Massachusetts Ave., Washington, D. C. 20036

EMPLOYMENT

Women and Employee Benefit Plans

The Citizens' Advisory Council on the Status of Women in this report presents a series of informative pamphlets on Women and Employee Benefit Plans. This six part series defines and describes the voluntary and required programs, private and governmental, which are offered to employees but which are not easily understood. These are Health Insurance (Part I); Disability Insurance (Part II); Workers' Compensation (Part III); Life Insurance (Part IV); Pensions (Part V); Employee Benefit Plans Required by Government (Part VI), Part A Unemployment Insurance and Part B Social Security. The series is presented to provide easily readable information not only to the woman employee but also to the woman at home, who may be covered under her spouse's plans. It is not written for experts in employee benefits planning, but for the individual interested in understanding how these systems work. The series, Parts I-VI, is published in Appendix J.

Flexible Hours and Part-time Opportunities

The Council adopted a recommendation in 1975 as follows:

> The Citizens' Advisory Council on the Status of Women endorses H. R. 9043, bill filed by Congressman David N. Henderson (N.C.) for the U.S. Civil Service Commission to provide a voluntary three year pilot program of flexible work hours in the Federal Government.

The bill establishes a voluntary program of "flextime" in Federal agencies. Flexible hours is a practice which allows employees latitude in scheduling work hours; such a program would be helpful for women who have home responsibilities. Congresswoman Bella Abzug (N.Y.) has also filed similar legislation (H. R. 5451). The Subcommittee on Manpower and Civil Service held hearings in the Fall on the flexible hours legislation, and the bills remained in the Subcommittee at the close of the year.

Part-time work opportunities, which differs from flextime in that fewer-than-normal hours are worked per week, received attention in Congress in 1975 when the Senate passed Senator John Tunney's (CA) "Part-time Career Opportunity Act" (S 792). In the House, a companion bill filed by Representative Yvonne Brathwaite Burke (CA) (H. R. 3925) still rests in the Post Office and Civil Service Committee. The legislation establishes a permanent commitment to part-time employment by the Federal Government, as it requires that a given percentage of Federal jobs be held by part-time workers at designated pay levels. Many workers may benefit from increased part-time opportunities, but such work is of particular interest to women, as 64% of all part-time workers in 1974 were women (See Women in 1974, page 9).

1975 has also seen formation of a new coalition called "The Committee for Alternative Work Patterns," which is very much concerned with flexible hour and part-time issues. Representatives from business, labor, government, and women's groups meet in the coalition to plan activities which focus attention on changing work patterns in America. In the Spring of 1976 Senator Gaylord Nelson (WI) plans hearings on this subject in coordination with the Committee. A national conference is planned by the group for 1977.

A publication of special interest in this area is Hours of Work When Workers Can Choose, published in 1975 by the Business and Professional Women's Foundation. The report is a survey of the success of flexible hours scheduling in fifty-nine businesses across the nation, and provides summaries of management and worker opinions as well as an extensive bibliography on the subject. The report is available for $2.00 by writing Business and Professional Women's Foundation, 2012 Massachusetts Ave., N.W., Washington, D.C. 20036.

Actions in Federal Employment Discrimination

President Gerald R. Ford issued a memorandum to Federal Agencies in November 1975 which outlined his strong support of the recent practice in assigning of personnel overseas without regard to race, color, religion, national origin, sex or age.

In November, 1975 the Air Force announced plans to begin for the first time, in 1976, a program to train women as pilots. Recruits will be drawn from present Air Force personnel.

Childbearing Leave

The Supreme Court has granted review to Gilbert v. General Electric (No. 74-1589 and 1590) in which suit is brought against the company for its exclusion of pregnancy as a compensable temporary disability. The case will be argued early in 1976 and decision is expected in the spring of the year. Six Circuit Court of Appeals decisions have upheld EEOC guidelines on pregnancy as a temporary disability, an interpretation of Title VII first recommended by the Citizens' Advisory Council on the Status of Women in 1970.

On November 17, 1975 the Supreme Court held unconstitutional a Utah statute which considered a pregnant woman ineligible for unemployment benefits from twelve weeks before the expected date of childbirth until six weeks after childbirth (Mary Ann Turner v. Department of Employment Security, 96 S. Ct. 249 (1975). The decision in Turner is expected to eliminate or substantially modify state unemployment laws in the 19 States which still deny benefits to pregnant women on the presumption they are not available for work.

Employment and Enforcement Statistics

A fact sheet on 'Women in the Work Force" will be found in Appendix J, Page 116 of Women and Employee Benefit Plans.

Earnings of men and women were compared in results of a 1975 household survey taken by the Bureau of Labor Statistics, U.S. Department of Labor. Comparisons are highlighted below:
. . . male household heads working full time report the highest average (median) weekly earnings of all categories - $231. Women heading households report $151.
. . . working wives reported average (median) full time weekly earnings of $139.
. . . the earnings gap between men and women has not narrowed since 1967--the percent difference in earnings was then 61 percent according to the survey, and remains the same in 1975.

Studies reveal that the gap in earnings is in a large measure due to different occupations of men and women. Many women still work in the lower paid job categories.

The Equal Pay Act is enforced by the Wage and Hour Division of the U.S. Department of Labor, and provides that men and women receive equal pay for doing substantially the same work in the same establishment. In fiscal year 1974, 32,792 workers were awarded $20,623,830 because of equal pay violations. In fiscal year 1975, 31,843 workers were awarded $26,484,860.

Title VII of the Civil Rights Act of 1964 is enforced by the Equal Employment Opportunity Commission. Data on cases filed with the EEOC for fiscal year 1975 have not yet been compiled by the Commission, but the number of total cases filed has been estimated at 64,000. Cases involving sex discrimination for the first half of the fiscal year were one third of the half-year total. Please see Women in 1974, page 6 for previous year data.

The Labor Department in December, 1973 issued proposed revised guidelines for enforcement of Executive Order 11246. (38 F R 35336) (See Women in 1974, page 6). At the close of 1975, the revised guidelines had not yet been issued.

U.S. Department of Labor, Employment and Training Administration

The former Manpower Administration underwent a name change to Employment and Training Administration in late 1975 with the announcement by Secretary of Labor John Dunlop. The Secretary stated, "The name will more accurately portray the activities of this major Labor Department agency. It also removes any reference to gender and thus better characterizes the organization which is the nation's focal point for employment and training programs for all citizens."

Employment Publications

In 1975, numerous reports exploring the employment of women were published. Some are listed below:

The Handbook on Women Workers 1975 by the Women's Bureau, U.S. Department of Labor was published early in 1976. The handbook summarizes trends, analyses factors affecting women's participation in the labor force, and reviews employment discrimination laws. Copies of the report are available for $4.70 from the U.S. Government Printing Office, Washington, D.C., 20402.

U.S. Working Women: A Chartbook by the Bureau of Labor Statistics, U.S. Department of Labor was published in 1975 and is a valuable presentation of women's employment, education, family status, income, life expectancy, and unemployment. Statistical comparisions are made in chart form between 1974 and recent years, as well as over past decades. This publication was made available as a special issue celebrating International Women's Year, and may be purchased for $1.75 by writing for BLS Bulletin 1880, Superintendent of Documents, U.S. Government Printing

Office, Washington, D.C. 20402. Additionally the November 1975 issue of the Monthly Labor Review, has several articles on wages and employment of women.

The U.S. Commission on Civil Rights published in 1975 Volumes IV and V in its series The Federal Civil Rights Enforcement Effort - 1974. (See Women in 1974, Page 18.) Volume IV investigates the problems in the revenue sharing program and Volume V analyzes the enforcement of Federal statutes which prohibit employment discrimination. Also published by the Commission is a report of Minorities and Women as Government Contractors. These reports are available by writing: U.S. Commission on Civil Rights, Washington, D.C. 20425.

A landmark bibliographical review of professional articles by social scientists was published under the title 'Economic Perspectives on the Role of Women in the American Economy." It appears in the December 1975 issue of Journal of Economic Literature, pages 1219-1292, authored by Hilda Kahne and Andrew Kohen.

Also concerned with revenue sharing, and the effectiveness of prohibitions against employment and other discrimination by recipients of revenue sharing funds, is a report entitled Civil Rights Under General Revenue Sharing by the Center for National Policy Review, Catholic University Law School, Washington, D.C. The report is available at National Clearinghouse on Revenue Sharing, 1785 Massachusetts Ave., N.W., Washington, D.C. 20036.

Published also in 1975 is a report on Occupational Health Problems of Pregnant Women by Vilma R. Hunt for the Department of Health, Education, and Welfare. This report raises issues of health hazards to pregnant women in certain occupations, and strongly recommends investigation and research into this area. The report may be obtained from: Ms. Clara G. Schiffer, Room 5139, HEW-North, 330 Independence Ave., S.W., Washington, D.C. 20201.

A guide to Career Counseling for Women in the Federal Government was published in late 1975, by the Federal Women's Program, U.S. Civil Service Commission. It provides a step-by-step manual for use in upgrading and encouraging women employees. It is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 (CSC Bulletin No. 171-478) for $1.65.

Women's Work, a new bimonthly magazine published by Wider Opportunites for Women (WOW), is available at a subscription rate of $5.00 a year. This informative magazine provides helpful advice and information on working women's issues. A subscription to Women's Work may be procured by writing to 1649 K Street, N.W., Washington, D.C. 20006.

SOCIAL SECURITY

The Citizens' Advisory Council on the Status of Women studied the Report of the Advisory Council on Social Security, 1975 and heard testimony on the inequities women and men face in Social Security provisions. A review of the Social Security program and a summary of recommendations concerning women made by government groups is found in Appendix J, Part VI of Women and Employee Benefit Plans. The following four recommendations were adopted by the Citizens' Advisory Council on the Status of Women at the September 1975 meeting.

The Citizens' Advisory Council on the Status of Women recommends to the Secretary of Health, Education, and Welfare the adoption of the following which is included in the Report of the Advisory Council on Social Security, 1975 under the "Summary of Findings and Recommendations." (Page XVI)

> "The requirements for entitlement to dependents' and survivors' benefits that apply to women should apply equally to men; that is, benefits should be provided for fathers and divorced men as they are for mothers and divorced women and benefits for husbands and widowers should be provided without a support test as are benefits for wives and widows."*

The Citizens' Advisory Council on the Status of Women recommends to the Secretary of Health, Education, and Welfare that the Social Security Law should provide as recommended by the Subcommittee on the Treatment of Men and Women to the Advisory Council on Social Security, 1975, that a combined earnings approach be adopted to assure that low-income

> "two-earner couples with significant attachment to the labor force would always get at least as much in benefits as single earner couples with comparable covered earnings." (Ibid, Page 30).

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*Dr. Rita Ricardo Campbell, a member of the Advisory Council on Social Security, 1974-75, and also of this Council, endorses this but with the caveat that she simultaneously endorses, because of the financial implications of the above, the sentence following the above which reads as follows: "At the same time, the law should be changed, effective prospectively, so that pensions based on a person's work in employment not covered by social security will be subtracted from his social security dependents' benefits." (p. xvi) Persons interested in reading more details about Social Security and Women should read Chapter 5 of the Reports of the Quadrennial Advisory Council on Social Security, March 10, 1975 (House Doc. No. 94-75), its Appendix B (both sections are on "treatment of men and women under Social Security"), and the dissenting statement of Dr. Campbell, pp. 73-80. This Report is available in all libraries which serve as a "government depository" and also can be obtained from Congressional Representatives or the G. P. O., Washington, D. C. 20402

The Citizens' Advisory Council on the Status of Women recommends to the Secretary, Department of Health, Education, and Welfare the adoption of Advisory Council on Social Security's recommendation that

> "Words that do not denote gender should be used in the Social Security provisions of the law whenever it is practical to do so."
> (*Ibid*, italics, Page 32)

The Citizens' Advisory Council on the Status of Women recommends to the Secretary, Health, Education, and Welfare that, as many amendments have made the Social Security program so complex that even well-informed citizens do not have available clear and concise information regarding their status, or benefits rightfully theirs, or how to obtain such information, that through Social Security sources readily available now, a concerted effort be made to inform the general public and especially working women, widows and still married women what their status will be under the existing Social Security Act upon retirement and not wait to give such information upon request when they apply for their retirement benefits.

The June, 1975 pamphlet of the Department of Health, Education, and Welfare *A Woman's Guide to Social Security* (SSA 75-10127) has responded in large part to this recommendation. This Council commends this SSA effort and recommends that the availability of this pamphlet be widely publicized.

For the Council's memorandum on Social Security, including the rationale for the recommendations, which is directed to citizen groups, please see Appendix K.

Weinberger v. Wiesenfeld

In *Weinberger* v. *Wiesenfeld*, 95 S. Ct. 1225 (1975), the Supreme Court held under the Due Process Clause of the Fifth Amendment that women wage earners were afforded less protection for their survivors under Social Security provisions than were male wage earners. The case was brought by a widower father with a minor child, who collected Social Security benefits for the child, but not for himself. If he were a woman, he would have collected the benefits. The Supreme Court in March 1975 ruled against the Social Security Administration and the rule excluding fathers has been changed.

EDUCATION

Vocational Education

In 1975 the Citizens' Advisory Council on the Status of Women recommended that:

WHEREAS, Nationally young women are overwhelmingly concentrated in vocational education programs which lead to low-paying occupations and careers.

AND WHEREAS, In order to prepare young women adequately and equally for their increasing participation in the labor force.

THE CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN, Reaffirms its recommendations made in the year 1972 and again recommends to the Secretary of Labor and the Secretary of Health, Education, and Welfare that immediate action be taken through administration and through legislation to correct inequities, so that all vocational education programs become actively open to the enrollment of all students, female and male.

Vocational Education has remained an area of ingrained and traditional attitudes limiting the choices of young women and men. The U.S. Congress held hearings in April 1975 entitled "Sex-Discrimination and Sex Stereotyping in Vocational Education," at which the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor heard testimony from citizens and government officials.

The Citizens' Advisory Council on the Status of Women heard testimony concerning Vocational Education at its September 1975 meeting. Council members learned that vocational education programs have grown an estimated 200 percent in the last decade, but that this growth has not been accompanied by expanded opportunities for women. For example, using 1972 data it was demonstrated that girls comprise 55% of the total enrollments in vocational education programs, but they are clustered in those occupations which lead to low-paying careers--92% of home economics classes are female, 76% of office occupations and 85% of health occupations are female. In the fields which lead to greater occupational choice and pay, females comprise only 12% of the enrollment.

Title IX regulations specifically cover vocational education programs, but enforcement by Health, Education, and Welfare is not considered sufficient by many individuals working for equality in vocational education. Legislation which would assure equal education opportunity has been introduced in Congress by Senator Walter F. Mondale (Minn). If passed, it will fund demonstration projects and establish advocates in state departments of education.

A publication entitled Vocational Preparation for Women: A Critical Analysis by JoAnn Steiger is available for $1.50 from PEER, the Project on Equal Education Rights, 1029 Vermont Ave., N.W., Suite 800, Washington, D.C. 20005. This summary of vocational education and opportunities for young women is directed to administrators, counselors, and teachers, but is also helpful to interested individuals.

Title IX of the Education Amendments of 1972

Title IX regulations, which prohibit sex discrimination in admissions, curriculum and employment in federally assisted schools were signed by President Ford in May 1975 and became effective July 21, 1975. (See Women in 1972, Page 7; Women in 1973, Page 11; and Women in 1974, Page 12).

The final regulations were adopted after over 10,000 comments had been received and reviewed by the Office for Civil Rights, Department of Health, Education, and Welfare. A copy of the final regulations may be obtained from the Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20201.

Women's Educational Equity Act

The Women's Educational Equity Act (P. L. 93-380) was passed in 1974 (See Women in 1973, Page 12; Women in 1974, Page 12). The Act authorized funds for projects to develop equal educational opportunity for women and established the Advisory Council on Women's Educational Programs. President Ford appointed 17 members to the Council in February, 1975. Dr. Bernice Sandler, Director of the Project on the Status and Education of Women, Association of American Colleges, was elected Chairperson; Joy R. Simonson is Executive Director of the Council.

The Council is charged with advising the Assistant Secretary for Education of the Department of Health, Education, and Welfare on educational equality for women. This charge includes making recommendations on programs, priorities and allocation of funds. For further information on Council activities, please write: Advisory Council on Women's Educational Programs, Suite 821, 1832 M Street, N.W., Washington, D. C. 20036

Higher Education

The National Center for Education Statistics Department of Health, Education, and Welfare, published preliminary data on 1975 enrollment figures by sex for public and private institutions of higher education. Comparisons are made below. Previous year comparisons will be found in Women in 1974, Page 12.

In 1975, in publicly controlled schools there was an 8.5 percent increase in male enrollments, and a 8.0 percent increase in female enrollments. In privately controlled schools there was in 1975 a 5.2 percent increase in male enrollments and a 5.0 percent increase in female enrollment over 1974 figures.

National Center data on enrollments for advanced degrees will be available in the Spring of 1976 for the years 1972, 1973, and 1974.

In a survey of college plans of high school seniors taken by the Bureau of the Census, U.S. Department of Commerce it is shown in comparative data that in 1974 more females than males planned to attend college, a reverse of previous years, and that more males planned to attend vocational schools than females, again a reverse of previous years. Please see Appendix L for complete data.

Military Academies

On October 8, 1975, the President signed legislation which permits women to apply for appointment to 1976 classes at the Army, Navy and Air Force Academies for the first time. Admission criteria include scholarship, physical aptitude, potential for leadership, scores on college entrance exams, and character. Young women interested in these opportunities are urged to contact the office of their Congressman or Congresswoman for further information. Deadlines have been met for this year, and final application date for classes in 1977 is mid-December 1976.

The U.S. Coast Guard and Merchant Marine Academies have also been recently opened to women, but admit by competitive exam. Inquiries should be made directly to the schools. The Merchant Marine Academy expects to graduate women in 1979, and leads the other academies in this regard.

White House Fellows

The White House Fellows Program is an ongoing opportunity for outstanding candidates to work for one year in the Executive Branch of the Federal Government. The President's Commission on White House Fellowships has urged women who meet the eligibility requirements to apply. There are presently many more male than female applicants each year. Applicants between the ages of 23 and 36 who have demonstrated outstanding ability, character, motivation and potential are desired. Persons employed in the Executive Branch of the Federal Government are not eligible. Application deadline is generally late November of the year previous to appointment. All interested individuals should write for further information to the President's Commission on White House Fellowships, Washington, D.C. 20415.

Education Publications

Each year vital information is published on the subject of women in education. It is possible to spotlight only a few of these excellent resources, as follows:

A Survey of Research Concerns on Women's Issues by Arlene Kaplan Daniels is an annotated survey and summary of research in the areas of health, education, work, family and the women's movement. It is available in single copies from the Project on the Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., Washington, D.C. 20009.

An Overview of Federal Court Decisions Affecting Equal Rights for Women in Education by the Education Commission of the States is a helpful summary of important court cases in the areas of sex discrimination in employment. This report is available for $4.00 a copy from the Commission at 300 Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203.

Publications resulting from a conference on "Women and Educational Policy Making" of the Leadership Training Institute are as follows:

Women in Educational Leadership: An Open Letter to State Legislators
Hierarchy, Power, and Women in Educational Policy Making
Handbook on How to End Sexism in Your School

They are available at: Institute for Educational Leadership, 1001 Connecticut Ave., N.W., Suite 310, Washington, D.C. 20036.

Liberating Our Children, Ourselves by Suzanne Howard is a handbook for teachers and is available for $1.50 from American Association of University Women, Sales Office, 2401 Virginia Ave., N.W., Washington, D.C. 20037.

Publications on Title IX

The following are offered as aids to those affected by Title IX regulations:

Complying with Title IX: Implementing Institutional Self Evaluation by Martha Matthews and Shirley McCune of the Resource Center on Sex Roles is a guide to compliance and is available at PEER, 1029 Vermont Ave. N.W., Suite 800, Washington, D.C. 20005. The First Twelve Months by the same authors and available at the same address provides analysis of the compliance required by institutions within the year following the Title IX effective date, July 21, 1975.

Institutional Self Evaluation: The Title IX Requirement by Emily Taylor and Donna Shavlik reviews the process of compliance and is available for $1.50 from the Publications Division, American Council on Education, Office of Women in Higher Education, One Dupont Circle, Washington, D.C. 20036.

An analysis and guide to the regulations was written by Margaret C. Dunkle and Bernice Sandler. Entitled "Sex Discrimination Against Students" the guide is intended for use by faculty, administrators and students and is available in single copies from The Project on The Status and Education of Women, Association of American Colleges, 1818 R Street, N.W., Washington, D.C. 20009.

CREDIT AND BANKING

A significant development in 1975 was the publication of regulations which implement the Equal Credit Opportunity Act (PL 93-495). (See Women in 1972, Page 76, Women in 1974, Page 14). The regulations were effective October 28, 1975. Enforcement of the regulations is the responsibility of the Federal Trade Commission, among other agencies. The Federal Reserve Board was charged with promulgating the regulations, which affect credit-granting as follows:

. . .the use of sex or marital status is forbidden in determination of credit worthiness.

. . .if requested, the creditor must present reasons for denial of credit.

. . .creditors may not inquire into birth control practices or into child bearing capabilities or intentions, or assume from her age that an applicant or applicant's spouse may drop out of the labor force due to child bearing and thus have an interruption of income.

. . .part-time income must be counted in granting credit although the creditor may examine the probable continuity of the applicant's part-time job.

. . .creditors may ask about obligations to pay alimony, child support, and maintenance payments if the applicant relies on such payment to obtain credit.

. . .creditors must keep on file credit applications and related information for 15 months after creditor gives notice of action.

. . .on or after November 1, 1976, creditors must be able to furnish credit information on accounts that both spouses may use, so that each spouse may utilize the credit history.

. . .by February 1, 1977, the creditor must inform holders of existing credit that the credit history can be reported in both names.

. . .creditors may not terminate credit on an existing account because of a change in marital status without evidence that the applicant will not pay.

. . .creditors may not use unfavorable information about a spouse, if credit is applied for independent of the spouse, and if applicant can show the unfavorable history should not apply.

. . .creditors may not refuse to grant credit in birth given and surnames.

These regulations are a strong prohibition against discrimination in extending credit and should lessen the problems women have faced in obtaining credit. However, one problem which remains a difficulty for women is that no written notice of reason for denial of credit is required under the regulation. Legislation in Congress is being considered to require such written notice.

It is required that all applicants holding accounts be informed by June 30, 1976, about the Act and be informed of the agency name and address which enforces the Credit Act. This information will be important for women who wish to file a grievance, as at least 12 Federal Agencies share in enforcement of the Act's provisions. For further information on all aspects of the regulations and for a pamphlet on "Women and The Credit Act," please write: Office of Saver and Consumer Affairs, Federal Reserve Board, Constitution at 20th Street, Washington, D. C. The pamphlet is expected in early 1976.

An important task underway in the States is informing women how they are affected by their state laws on credit and by the Federal law. A publication entitled "Borrowing Basics for Women" has been published and made available by First National City Bank. This summary details how women are affected by the U.S. and New York State credit laws. It also provides tips on how to establish and maintain credit for single, married, divorced, and widowed women. The booklet is supplied free of charge at First National City Bank, Public Affairs Department, P. O. Box 939, Church Street Station, New York, New York 10008.

A pamphlet entitled "Counting on Credit," written by the Massachusetts Governor's Commission on the Status of Women and published by the Shawmut Bank, Boston, is available by writing The Governor's Commission on the Status of Women, Room 1105, 100 Cambridge Street, Boston, Massachusetts 02202. Please send a stamped, self-addressed envelope for this informative publication. Also to be available in early Spring 1976 is a handbook on "Women and Credit in Arizona" published and made available by the Arizona Women's Commission, 1624 W. Adams St., Room 305, Phoenix, Arizona 85007. Please send a stamped, self-addressed envelope when requesting the handbook. In the District of Columbia the Women's Legal Defense Fund, Inc. published in 1975 an educational manual entitled "The Credit Game-How Women Can Win It." The manual is available for $2.00 from the Fund at 1424 16th Street, N.W., Washington, D. C. 20036.

First Women's Bank

On October 16, 1975, the First Women's Bank, 11 E 57th Street, New York, New York opened its doors for business. This unique bank offers special workshops and courses on money management, budgeting, wills, and income taxes as well as banking services 8:45 - 5:30 daily and 12:00 - 4:00 on Saturdays.

The Bank is open to female and male depositors, and employs male and female personnel, but was organized by women and boasts a woman President of the Board of Directors. The Bank's goal is to provide customer services fairly and without discrimination.

MEDIA

The Citizens' Advisory Council on the Status of Women gathered testimony in 1975 on women and the media. The Council adopted the following recommendation at its May, 1975 meeting.

WHEREAS the broadcast industry has sponsored 1) Broadcast Management Development Workshops, and 2) Broadcast Sales Workshops for women around the country, and

WHEREAS it has developed an Employment Clearinghouse to place minorities in the broadcast industry around the country, and

WHEREAS the Television Code last year prohibited sexism in advertising by prohibiting derisive references on the basis of sex,

BE IT RESOLVED that the Citizens' Advisory Council on the Status of Women commends the broadcast industry for past and present actions so stated.

FURTHER, it recommends that the officials of the broadcast industry provide more opportunities for women to gain the experience necessary to accede to the highest ranks in broadcasting, and that more high-level positions be made available to women who now qualify for these positions.

Women in Public Broadcasting

A significant report which provides an understanding of women and public broadcasting was published in 1975 by the Corporation for Public Broadcasting. The study is entitled Report of the Task Force on Women in Public Broadcasting and was co-authored by Caroline Isber and Muriel Cantor. The Task Force surveyed programming and employment and found extensive sex stereotyping and discrimination in both areas. Recommendations to the Board of Directors of the Corporation for Public Broadcasting are summarized as follows:
In programming:
. . . the CPB should give the highest priority to the integration of all women on an equal basis in programming.
. . . the CPB should make the development of women's programming a high priority.
. . . the CPB should recognize and work to eliminate both sex and race discrimination.

. . .the CPB should educate stations and the public about what constitutes equal and fair treatment for women.

In employment, the task force recommended that:
. . .the CPB enlarge the means of selecting applicants for openings in the industry.
. . .the CPB should implement equal pay for equal work.
. . .the CPB should take a leadership role in having an equitable distribution of women in upper-level positions.
. . .the CPB should establish an Office of Women's Affairs.

The full report is available at the Corporation for Public Broadcasting, 1111 16th St.,NW, Washington, D. C., 20036.

For a report of a survey by the Screen Actors Guild concerning women and the media, please see Women in 1974, Page 15.

FEMALE OFFENDERS

The Council's Subcommittee on Women Offenders heard testimony in 1975 on juvenile offenders and on deficiencies in health care systems for jailed and incarcerated offenders. After deliberation, the Subcommittee and Council focused its recommendation on health care as follows:

> It is recommended to the National Association of Commissions for Women and member commissions and councils for women at the state, county and municipal levels, and to organizations and groups concerned with problems females encounter once incarcerated in United States jails and prisons, that they examine and work to improve the health care and medical facilities available to women inmates.

The Council recognizes many problems in providing adequate health care and services for females in jails and prisons. No single solution can be offered. To provide some assistance to groups working to improve health care, and to acquaint them with standards set by recent publications on inmate health, the Council publishes in Appendix M "Need to Examine the Quality of Health Care for Women Offenders."

HOMEMAKERS AND THE FAMILY

In a summary of an annotated index to articles on homemakers it was said, "One thing at least is very clear: the choice that women make is not whether to work but where to work." That quote, from Working Women: Homemakers and Volunteers published by the Business and Professional Women's Foundation in 1975, accurately reflects changing attitudes about homemakers in America (See Women in 1973, Page 20, Women in 1974, Page 4). The BPW publication is an excellent resource on homemakers and volunteers, and is available for $1.00 from BPW, 2012 Massachusetts Ave., N.W., Washington, D.C. 20036.

The legal and economic situation of homemakers has received considerable attention this year as national and local organizations worked toward a better understanding of the issues.

The National Commission on the Observance of International Women's Year established a Committee on the Homemaker, chaired by Martha Griffiths, former Congresswoman of Michigan. This Committee has commissioned studies in the fifty states of the legal status of the homemaker during marriage, at divorce, and at death. The reports will be published in 1976 as they are completed.

Also undertaken in International Women's Year was a project on the "Recognition of the Economic Contribution of the Homemaker" by the Clearinghouse on Women's Issues. The Clearinghouse has published a series of fact sheets on homemakers including Social Security Coverage, Inclusion of Homemakers in National Measures of Production and Income, Legal Rights and others. The fact sheets are available at the Clearinghouse Office, Suite 924, Dupont Circle Building, 1346 Connecticut Ave., N.W., Washington, D.C. 20036.

The national organization Future Homemakers of America published on Women's Agenda Day, December 2, 1975, a resource paper on current myths and realities of homemaking in this country. The resource paper is available for $1.00 by writing to National Headquarters FHA, 2110 Massachusetts Ave., N.W., Washington, D.C. 20036.

Value of Homemaker Services

It has been established that homemakers provide an unpaid but valuable service to society. The Clearinghouse for Women's Issues has established the need for data on the worth of homemaking services for purposes of

. . .increasing understanding of monetary value of homemaking to enable couples to realistically decide on employment in paid work.

. . .promoting just arrangement in divorce.

. . .assessing economic loss to a family if homemaker dies or is disabled.

. . .enabling the use of accurate data in proposed legislation concerning homemakers.

The Office of Research and Statistics, Social Security Administration published in 1975 a paper on "The Economic Value of a Housewife" which reviewed current approaches to the assessment of homemaker services. The figure arrived at for 1975, after adjustments due to inflation, was $5,500 to $7,500 a year. (Younger homemakers are valued at the higher level due to caring for children.)

This figure has been subject to criticism by women's groups and by some legislators who feel that homemakers should be valued more highly--consistent with their long hours and skilled work. Also critical of the figures is the National Committee on Household Employment. The National Committee feels that homemakers are valued more highly, as reported in the research study, than are private household workers--many of whom earn wages below the poverty level. Still others agree with the philosophy set forth by the 1963 President's Commission on the Status of Women in their report American Women. Marriage was considered by the Commission to be an economic partnership with both spouses contributing equally.

The drive to assess the homemaker's services is consistent with legislative efforts in Congress to aid the homemaker. Legislation regarding the homemaker filed in 1975 is reviewed below:

Social Security for Homemakers

Legislation was filed in Congress in 1975 to provide options for homemakers to earn Social Security coverage in their own right. Representatives Barbara Jordan (TX) and James Burke (MA) filed legislation which would treat the homemaker as a self-employed person, and tax at the same rate as for individuals. Representative Bella Abzug (NY) filed legislation which would provide Social Security coverage out of general taxpayer revenues.

The Senate Special Committee on Aging held hearings on these proposals in the fall of 1975 and published testimony in January 1976.

In 1975 the Advisory Council on Social Security and its Subcommittee on Treatment of Men and Women under Social Security with Respect to Sex and Marital Status made the following statement re "homemaker services:"

> The social security law should not be changed to provide earnings credits to homemakers for work done in and around the home for which no earnings are received, or to permit people to pay social security taxes with respect to such work in order to obtain credits.
>
> There is of course an economic value, however, difficult to assess, to the work that women and men do in and around the home, and there is a loss when such work ceases. However, no wages are paid for such work so there is no loss of earned income that occurs when the work stops, as there is when a wage earner retires, becomes disabled, or dies.
>
> Social Security is an earnings-replacement program. Its function is to replace, in part, earnings from work that are cut off by retirement

> in old age, disability or death. It would be contrary to the nature of the social security program to provide for the payment of social security benefits in cases where no loss of earnings occurs, and the Council [Advisory Council on Social Security] believes that it would be undesirable to change the nature and function of the social security program by providing for the payment of benefits in such cases. In addition, any proposal relating to imputed earnings raises serious questions of equity and administrative feasibility.

Displaced Homemakers

The term "displaced homemakers" is used to described homemakers removed from their normal family role and left without financial security through divorce, death of spouse, or loss of family income. Legislation has been proposed for these individuals who often are not covered by the established means of protection (such as programs which aid younger women with children and older women through Social Security).

Representative Yvonne Burke (CA) and Senator John Tunney (CA) have filed bills to provide training, education, health and job programs for displaced homemakers. Hearings in Congress are expected to be held by the Committee on Education and Labor in early 1976.

Statistics on American Families

The Bureau of the Census, U.S. Department of Commerce published in 1975 a number of reports of interest to women. They may be obtained by indicating the number of the report, enclosing cost per copy and writing to Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

In a survey of "Households and Families by Type: March 1975" (Series. P-20, No. 282, Cost $.55) it was shown that there were 71.1 million families in the United States. Of these, 66 percent were wife-husband families, 22 percent were headed by primary individuals (persons who live alone or with non-relatives), and 12 percent had no spouse of the head of household present. The primary headed households have accounted, in the last five years, for nearly one-half the increase in all households. Households headed by women, with no husband present, comprised 13 percent of all families, a figure that has risen by 2 percent since 1970.

In a 1975 "Special Study by the Census Bureau" (Series P-23, No. 55, Cost $2.55) it was shown that in 1974, the percent of families headed by women varied with place of residence. In central cities, 18.9 percent of families were headed by women; in suburban areas the figures was 9.5 percent; and in non-metropolitan areas the figure was 9.8 percent.

In a study of "Household Money Income in 1974" (Series P-60, No. 100, Cost $.90) the total money income for male-headed and female-headed households was analysed, and highlights are presented in Appendix N. Comparison of income between the sexes is striking, especially when compared to 1969 data.

The Census Bureau analysed data in "Some Recent Changes in American Families" (Series P-23, No. 52, Cost $.55), published in 1975. This well-written and provocative report reviews statistics which show the continuing "slowdown" in the rate of marriage and "speedup" in the rate of divorce. The report explores the delay in marriage by the young, delay in bearing children, early marriage and high fertility of those approaching middle age, divorce by social level, increase in the rate of divorce, children of divorced parents, average life-time of a marriage, recent changes in living arrangments and kin and network ties.

CHILD CARE

Alliance for Child Care in Federal Agencies

In 1975 a new coalition in child care was established. The "Alliance for Child Care in Federal Agencies" is an ad hoc group of 120 persons representing 60 Federal departments working for child care for employees of the Federal Government. The coordinator of the Alliance is Carmen Maymi, Director of the Women's Bureau. The Alliance has met and worked with officials of the White House, Office of Management and Budget, Civil Service Commission, and General Services Administration. The principal goal of the Alliance is to see that a clear Federal policy is established to permit the operation of child care services, jointly with employee and other organizations, in agencies that wish to have programs. Currently, centers operate in some agencies, but the lack of a uniform policy leaves most centers in jeopardy for future funding, cost increases or rule changes.

Child Care Tax Deduction

In 1971, the Revenue Act passed by Congress made possible a deduction in Federal income taxes for "employment-related expenses" of up to $400 a month for household services. Services must be performed in the home, with the exception of day care for a dependent under 15. Day care expenses outside the home are limited to $200 a month for one child, $300 a month for two and $400 a month for three or more children. To take advantage of the tax deduction, taxpayers must itemize deductions, and must file a joint return if married. If the adjusted gross income exceeds $18,000, the deduction is reduced on a sliding scale. After reaching $27,000, no further deduction is allowed.

In 1975 the income limits for this tax deduction were raised by Congress, but the new limits will not be effective until taxpayers file for their 1976 taxable year (and thereafter). The adjusted gross income limit was raised from $18,000 to $35,000 and the sliding scale adjustments now reach $44,000. For taxpayers who do not file on a yearly basis, the new limits become effective March 29, 1976.

Title XX of the Social Security Act (P. L. 93-647)

Title XX was signed into law early in 1975. This legislation is broad in intent and is briefly summarized as a program which reorients grants for social services from federal to state and local governments. Title XX allocates money to the State, and through citizen participation state and local governments assign priorities according to need, Title XX became effective in October 1975. It is expected that Title XX will require much adjustment and reworking, but its provisions should allow for previously unavailable opportunities in the development of child care services in communities.

Title XX provisions also contain two significant sections concerning children. One is the provision in Section 459 which allows for garnishment of Federal employee salary, retirement benefits, and Social Security payments to enforce child support and alimony obligations (See Women in 1974, Page 5). Also established under Title XX is a mechanism to locate absent parents, who are obligated to support children. The Department of Health, Education, and Welfare is responsible for the establishment of the Parent Locator Service.

Two publications which are an aid in understanding Title XX are a Citizens' Handbook to Social Services 1975 (DHEW SRS 75-23038), available from Social and Rehabilitative Service, U.S. Department of Health, Education, and Welfare, Washington, D.C. 20201 and Using Title XX to Serve Children and Youth, by the Child Welfare League of America available from the Office of Human Development, Department of Health, Education, and Welfare, Washington, D.C. 20201.

RAPE

Congress enacted legislation in 1974 to establish within the National Institute of Mental Health a National Center for the Prevention and Control of Rape (Title III-P. L. 94-63) (See Women in 1973, Page 23). The Center is charged with conducting a study into the causes of rape, the laws dealing with rape, the treatment of victims, and the effectiveness of existing programs to prevent and control rape. Demonstration projects and a clearinghouse of information are planned.

When the legislation was passed by Congress, a 17 million dollar appropriation was contemplated, but funds have not yet been authorized for the Center. The address for more information and for placement on the mailing list is the National Center for the Prevention and Control of Rape, C/O Director, Division of Special Mental Health Programs, National Institute of Mental Health, 5600 Fisher's Lane, Rockville, Maryland 20852.

Manual on Treatment of Rape Victims

The Center for Women Policy Studies, working under a grant from the Law Enforcement Assistance Administration (LEAA) produced in 1975 a manual for use by hospital administrators, police departments, and lawyers who seek to improve their relationship to and treatment of rape victims (See Women in 1973, Page 22). The Prescriptive Package, Rape and Its Victims, will be available in early 1976 without charge from the National Criminal Justice Reference Service, LEAA, P.O. Box 24036, Southwest Post Office, Washington, D.C. 20024.

Against Our Will: Men, Women and Rape by Susan Brownmiller was published in 1975. Ms. Brownmiller has aroused public concern for the rape victim as her book not only explores the present day myths and realities of rapists and victims, but traces the devastating effects of rape throughout history. Against Our Will is published by Simon and Schuster.

UNITED STATES CONGRESS

National Women's Conference (P. L. 94-167)

The National Women's Conference Bill was passed by the House and the Senate in December 1975. The Bill was sponsored by Representative Bella Abzug (NY) and other Members of Congress. When passed, the bill included a five million dollar authorization. This amount was submitted by the President in the annual budget, and was sent to Congress in January, 1976. The National Commission on the Observance of International Women's Year will organize and convene state or regional conferences, preparing for the National Women's Conference, after the appropriation is passed by Congress. The duties and goals of the conferences are described in the bill as it passed Congress, published in Appendix O.

Congressional Clearinghouse on Women's Rights

There is a new service on Capitol Hill of important interest to women around the country. A Congressional Clearinghouse on Women's Rights, established in July, 1975 for Members of Congress to aid Members and their constitutents, has been working to provide current relevant information for personal and constituent use on women's rights issues. Items documented weekly include the Congressional Record, Federal Register, weekly status of Legislation affecting women's issues, selected court actions, hearings, news and bibliographic items. Special projects are also investigated for the Members.

While not available to individuals, the clearinghouse information is available through Members of Congress. The public is urged to let the Members know about CCOWR and request their participation. More information about CCOWR can be obtained by writing Ms. Carol Forbes, Director, CCOWR, 722 Annex Building, Washington, D. C. 20515.

Capitol Hill Women's Political Caucus

In a study entitled Sexists in the Senate? the Capitol Hill Women's Political Caucus reported on the staffing patterns of Senate offices. It was found that most women on Capitol Hill were working at the lower end of the pay scale, and women working in policy making positions were often not paid at the same rate as were men. In addition, the Caucus noted the lack of any type of grievance or equal employment opportunity procedure. Currently, the Caucus is surveying the staffing of Presidential candidates, and expects to publish a report in the Spring. Please write to Ms. Miriam Dorsey, Coordinator , C/O Congressman Richardson Preyer, 403 Cannon Office Building, Washington, D. C. 20515, for further information. Cost of the reports is $2.00 a copy.

APPENDIX A

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

INDEX TO RECOMMENDATIONS 1970-75

	1970	1971	1972	1973	1974	1975
CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN				X		
CHILD CARE						
After School Care		X				
Child Development Centers	X					
CREDIT			X			
DIVORCE LAW AND PRACTICE				X		
EDUCATION						
Sex Discrimination in the Public Schools		X	X			
Statistical Data Should be Collected by Sex	X					
Occupational Counseling	X					
Prompt Issuance of Education Regulations				X		
Admission of Women to Military Academies					X	
Vocational Education						X
EMPLOYMENT						
Equal Employment Opportunity	X	X				
Retirement and Pension Plans	X					
Maternity Leave	X					
Part-time Work Opportunities	X					
Mature Women and the Labor Market	X					
National Manpower Advisory Committee				X		
Manpower Training and the Household Arts			X			
Household Employment				X		
Flexible Hours					X	X
EQUAL RIGHTS AMENDMENT	X	X				
FEMALE OFFENDERS						X
HOMEMAKERS				X		
INTERNATIONAL WOMEN'S YEAR				X	X	

	1970	1971	1972	1973	1974	1975
LITTLE LEAGUE CONGRESSIONAL CHARTER					X	
MEDIA					X	X
MILITARY SERVICES				X	X	
NAME CHOICE					X	
PRIVATE CITIZENS SHOULD BE APPOINTED TO INTERNATIONAL MEETINGS					X	
RAPE				X		
REVENUE SHARING				X		
SEWALL BELMONT HOUSE AS A NATIONAL HISTORIC SITE					X	
SOCIAL SECURITY						X
SUPREME COURT		X				
VETERANS				X		
WOMEN'S RIGHTS AND RESPONSIBILITIES-NATIONAL OFFICE		X				

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN
INDEX TO PUBLICATIONS 1970-75

Annual Report to the President: WOMEN IN
1970
1971
1972
1973
1974
1975

Excerpts from the Annual Reports printed and available separately:

EQUAL RIGHTS AMENDMENT
Proposed Equal Rights Amendment to the U.S. Constitution, 1970
The Equal Rights Amendment-What it Will and Won't Do, 1970
ERA and Alimony and Child Support Laws, 1971
Senator Erwin's Minority Report and the Yale Law Journal, 1972
Only ERA Will Promptly End Prison Sentence Discrimination Because of Sex, 1972
The Interpretation of the ERA in Accordance with Legislative History, 1973

EMPLOYMENT
Job Related Maternity Benefits, 1970
Women and Employee Benefit Plans, 1975
Manpower and Household Training, 1972

EDUCATION
Need for Studies of Sex Discrimination in the Public Schools, 1972

HOMEMAKERS
Recognition of the Economic Contribution of the Homemaker and Protection of Children in Divorce Law and Practice 1973, 1974 (revised)

FEMALE OFFENDERS
Need to Examine Quality of Health Care Programs for Women Offenders, 1975

CACSW
The Citizens' Advisory Council on the Status of Women-What it is and What it Does, 1974

CREDIT, 1972

Remarks of Chairperson Jacqueline G. Gutwillig

The White House - May 6, 1975

The Citizens' Advisory Council on the Status of Women may be described as a small center of activity directed toward achieving the goals of equality among men and women of our country. The social and humanistic implications of equal legal, educational, and economic status for women are our great concern.

In 1961 this concern for equality prompted President Kennedy to form an Ad Hoc Commission on the Status of Women and appointed Mrs. Eleanor Roosevelt the chairperson. The Commission recommended that a permanent council be formed. On November 1, 1963, the Council was established by Executive Order 11126. It is composed of 20 private citizens appointed by the President of the U.S. and serves without compensation for an indeterminate period. The Council was first chaired by Miss Margaret Hickey, then former Senator Maurine Neuberger and I am the third chairperson. This Council's members were appointed August 15, 1969, and reappointed by President Ford in January 1975.

The Council's primary functions are to:

--Suggest to and stimulate action with private institutions, organizations, and individuals working for improvement of conditions of special concern to women.

--Review and evaluate progress of organizations in furthering the full participation of women in American life.

--Consider the effect of new developments on methods of advancing the status of women and recommend appropriate action.

The Council issues an annual report to the President and throughout the year makes recommendations to the President, to agencies of the Federal Government, to State legislatures, to State and city commissions on the status of women, and to non-governmental and voluntary organizations. The Council's recommendations, supporting papers, and its annual reports are distributed to organizations, State commissions on the status of women, the media, and individuals who have asked to be on the mailing list. Its publications are also distributed at many conferences whose topics are related to the status of women.

It is staffed by a secretariat of two persons whose salaries are paid by the Department of Labor as specified in the Executive order. Space, travel, printing, and other services are also furnished by the Department of Labor.

Our efforts to set forth some of the dimensions of the needs of women: to be a source of information to the private and public sectors; to achieve a meaningful input toward the resolving of problems; and to arouse consciousness of the issues of concern to women presented in the form of studies and recommendations to the President and Federal agencies and others, have resulted in many instances in new official guidelines and new laws.

We most certainly can not take credit for all the achievements since 1970 but we have helped close some gaps and eliminate some negative practices.

Let me cite some of our recommendations and activities:

--The Council, in February 1970, recommended adoption of an amendment to the U.S. Constitution to require equality of rights under the law for women and men. The Council has published six papers on this topic, including a basic legal memorandum undergirding its recommendation with legal theory for interpreting the amendment. The proponents of the Equal Rights Amendment in Congress adopted this theory, and their views will furnish guidance to the courts in interpreting the Amendment when ratified and effective. The Council's papers have been widely used by women working for adoption of the Equal Rights Amendment to educate the public, members of the Federal Congress, and of State legislatures.

--The Council has made recommendations on job-related childbirth leave which provide maximum benefits to employed women within the existing framework of law and the private system of providing fringe benefits in the United States. The Council's paper and our speeches on this subject have been used by persons seeking through the courts elimination of discrimination because of pregnancy. The Equal Employment Opportunity Commission, which administers the law prohibiting discrimination because of sex in employment, has included in its guidelines to employers the Council's recommendation on job-related maternity leave.

--The Council published a paper urging local women's organizations to institute studies of sex discrimination in their public schools. The Council's paper covered the following: (1) Why are sex discrimination studies needed? (2) Who should make the reviews? (3) What should be investigated? and (4) What remedial action can be taken?

The Council included in the paper a list of the reports from parent organizations that had already made such surveys and other items that might be useful to persons wishing to undertake a survey.

--"Recognition of Economic Contribution of Homemakers and Protection of Children in Divorce Law and Practice" is the title of another paper published by the Council. Its purpose is to alert women in the United States to the very inadequate protection now provided and to the unpublicized erosion of such protection by recent changes in State divorce laws. It calls attention to the Uniform Marriage and Divorce Act, a model law proposed by the Commissioners on Uniform State Laws, and recommends that State legislatures adopt as a minimum the economic protections provided.

--The Council has urged that the military services accept women into the services and into the military academies under the same standards as men are accepted. I testified before the Joint Economic Committee of the U.S. Congress in the 1973 hearings on the economic status of women, on women as veterans, spelling out the vocational training and other benefits attendant upon military service. I can report to you that most of the recommendations in that testimony particularly in regard to certain sections of Title 38 of the U.S. Code have been included in Congressional bills and some are now in the law.

The Council recommended:

--That the Secretary of Labor and Secretary of Health, Education and Welfare give a high priority to vocational training programs in the household arts and to manpower training proposals for upgrading the occupation.

--That the Secretary of Labor establish priorities as sensitive to sex discrimination as to race discrimination in manpower training programs and in referrals to training and employment; that women trainees in all programs be offered all training available to men and fully counseled as to relative pay and advantages to training for "men's" jobs.

--That the private sector, including credit-granting institutions and community groups, examine and reform practices which deny credit to married women solely because they are married, and deny credit to single women under circumstances where it would be granted to men.

--That laws where necessary be changed so women will not be discriminated against in the granting of credit.

(In regard to the credit situation President Ford has signed into law since our recommendations a new Title VII of the Consumer Credit Protection Act which will extend credit to all creditworthy customers without regard to sex or marital status. The law takes effect October 28, 1975.)

--The Council also recommended to the President in October 1973, that steps be taken to expedite completion and issuance of the regulations to implement Titles VII and VIII of the Public Health Service Acts, and Title IX of the Education Amendments, all enacted in 1972.

(The regulations for Title IX have been promised for July 1975.)

--The Council also, in recognition of the International Women's Year 1975, recommended to the President the issuance of a postage stamp for the year and that a Presidential Proclamation be issued calling for the observance of the year in the United States.

While not a complete list of our activities this gives you a view of our past work. In the immediate future our plans include continuing studies of (1) the female juvenile justice process and (2) the image of women portrayed by the public media.

These remarks reflect our efforts to make constructive contributions to contemporary life. In many areas of benefit to women our support has helped measurably to bring about improved political, legal, and economic advances.

Now as we look ahead it is evident that this Administration of which we are a part, is setting a favorable climate for good social change and fair treatment for women and men.

Women's Equality Day, 1975

By the President of the United States of America

A Proclamation

In October 1971 and March 1972, the House of Representatives and the Senate of the United States adopted a proposed amendment to our Constitution providing equal rights for men and women. By August 26, 1972, twenty States had ratified the proposed constitutional amendment, only eighteen more were needed for the proposed amendment to become part of our Constitution.

August 26 is a significant date because it was on that day in 1920 that the Nineteenth Amendment, prohibiting discrimination on the basis of sex with regard to voting, was certified as part of our Constitution after ratification by the necessary three-fourths of the States. Recognizing that the proposed Equal Rights Amendment is the logical and rightful extension of the Nineteenth Amendment to rights other than voting, the President has, since 1972, annually set aside the 26th of August in recognition of the real and practical need to ensure that equal legal rights are enjoyed by women and men.

This year, 1975, has been designated as International Women's Year, dedicated to equality between men and women. It is also the two-hundredth year of our Nation—a Nation born, nurtured and dedicated to the proposition that all people are entitled to be equal before the law.

Several more States need to ratify the Equal Rights Amendment before it becomes part of our Constitution. It would be most fitting for this to be accomplished during our Nation's two-hundredth year. In this Land of the Free, it is right, and by nature it ought to be, that all men and all women are equal before the law.

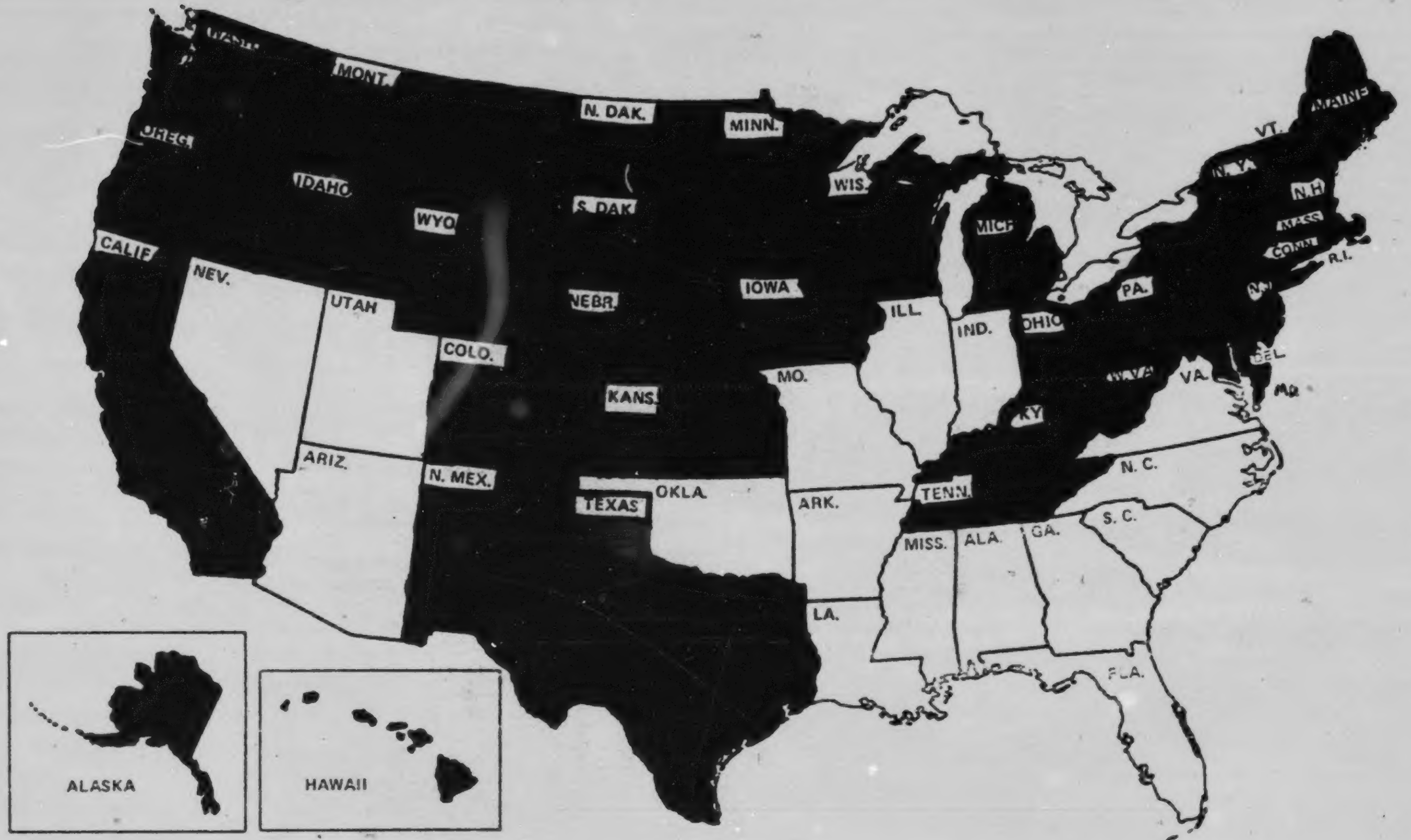
NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, to remind all Americans that it is fitting and just to ratify the Equal Rights Amendment adopted by the Congress of the United States of America, in order to secure legal equality for all women and men, do hereby designate and proclaim August 26, 1975, as Women's Equality Day.

I call upon all the citizens of the United States to mark this day with appropriate activities, and I call upon those States who have not ratified the Equal Rights Amendment to give serious consideration to its ratification and the upholding of our Nation's heritage.

IN WITNESS WHEREOF, I hereunto set my hand this twenty-sixth day of August, in the year of our Lord nineteen hundred and seventy-five, and of the Independence of the United States of America the two-hundredth.

APPENDIX E

STATES THAT HAVE RATIFIED THE FEDERAL EQUAL RIGHTS AMENDMENT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■ Have Ratified the Amendment

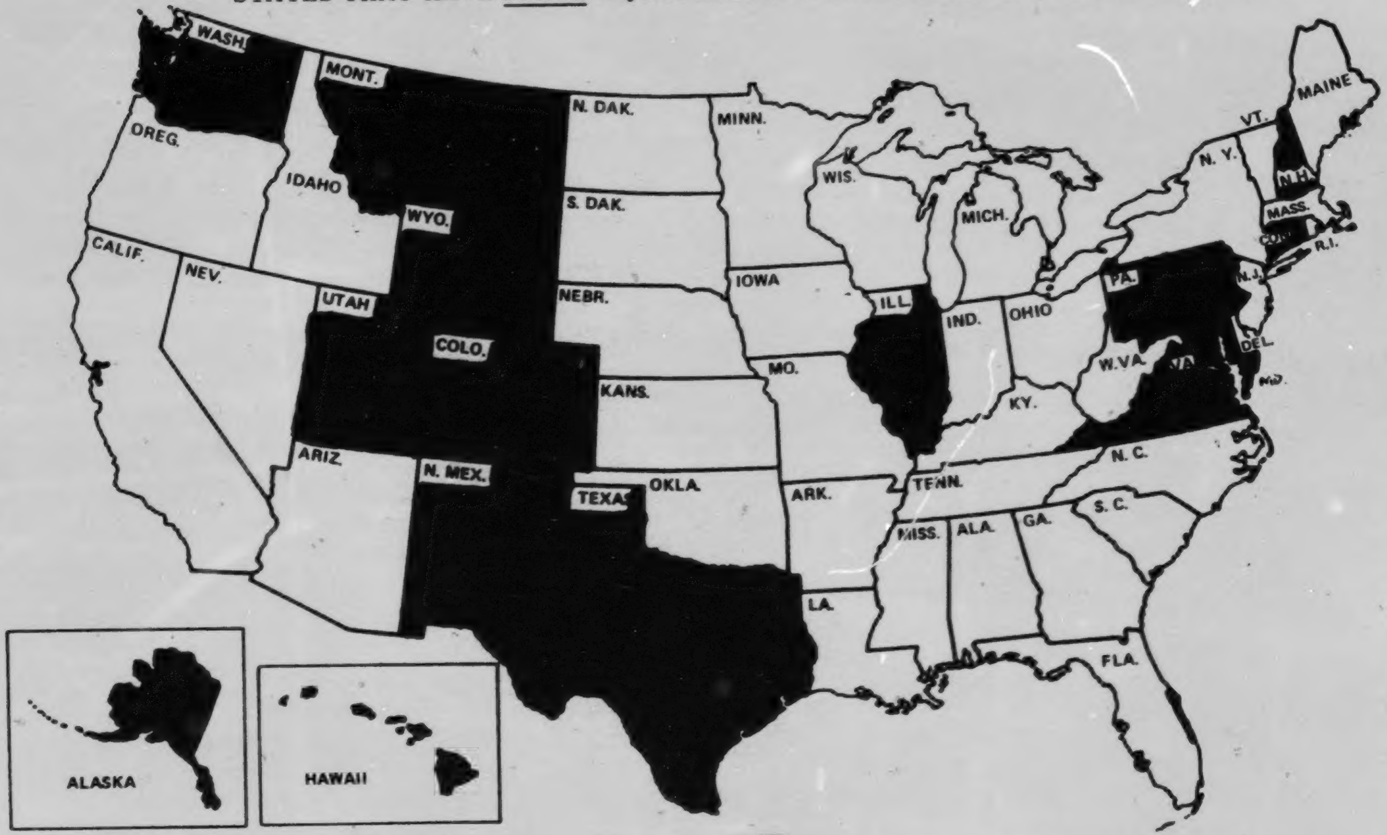
4

46

47

APPENDIX E

STATES THAT HAVE STATE EQUAL RIGHTS AMENDMENTS IN THEIR CONSTITUTIONS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ALASKA
HAWAII

■ Have State Equal Rights Amendment*

*Wyoming and Utah had Equal Rights provisions in their original constitutions; Massachusetts and South Dakota have Equal Rights Amendments pending in 1976.

NATIONAL ORGANIZATIONS SUPPORTING THE EQUAL RIGHTS AMENDMENT

American Association of Law Libraries
American Association of University Women
American Association of Women Ministers
American Bar Association
American Civil Liberties Union
Americans for Democratic Action
American Federation of Labor-Council of Industrial Organizations (AFL-CIO)
American Federation of Soroptimist Clubs
American Federation of State, County, & Municipal Employees
American Federation of Teachers (AFL-CIO)
American Federation of Television and Radio Artists
American Home Economics Association
American Jewish Congress
American Medical Women's Association
American Newspaper Guild
American Nurses Association
American Psychiatric Association
American Psychological Association
American Public Health Association
American Society for Public Administration
American Society of Women Accountants
American Veterans Committee
American Women In Radio and Television
American Woman's Society of Certified Public Accountants
Association of American Women Dentists
Association of the Bar of the City of New York
B'nai B'rith Women
Catholic Women for the ERA
Church Women United
Christian Church (Disciples of Christ)
Citizens' Advisory Council on the Status of Women
Common Cause
Communications Workers of America (AFL-CIO)
Council for Christian Social Action, United Church of Christ
Delta Sigma Theta
Democratic Party
Ecumenical Task Force on Women and Religion (Catholic Caucus)
Federally Employed Women (FEW)
Federation of Organizations for Professional Women
General Federation of Women's Clubs

Intercollegiate Association of Women Students
International Association of Human Rights Agencies
International Brotherhood of Painters & Allied Trades
International Brotherhood of Teamsters
International Union of Electrical, Radio, and Machine Workers (AFL-CIO)
International Union of United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
Leadership Conference on Civil Rights
League of American Working Women
League of Women Voters
National Association for the Advancement of Colored People (NAACP)
National Association of Colored Women's Clubs
National Association of Commissions for Women
National Association of Negro Business and Professional Women's Clubs
National Association of Railway Business Women
National Association of Social Workers, Inc.
National Association of Women Deans and Counselors
National Association of Women Lawyers
National Black Feminist Organization
National Board of the Leadership Conference of Women Religious
National Coalition of American Nuns
National Council of Churches
National Council of Jewish Women
National Education Association
National Federation of Business and Professional Women's Clubs
National Federation of Republican Women's Clubs
National Jewish Welfare Board
National Organization for Women (NOW)
National Secretaries Association
National Welfare Rights Organization
National Woman's Party
National Women's Political Caucus
Network (A national task force to facilitate the process of political education and action for American religious women and their organizations in a ministry for social justice)
President's Task Force on Women's Rights and Responsibilities
Professional Women's Caucus
Republican Party
St. Joan's Alliance of Catholic Women
The Newspaper Guild
United Methodist Church
United Presbyterian Church
United Steelworkers of America (AFL-CIO)
Unitarian Universalist Association
Unitarian Universalist Women's Federation
U.S. Commission on Civil Rights
U.S. Department of Labor and the Women's Bureau
Women's Christian Temperance Union
Women's Equity Action League (WEAL)

Women In Communications, Inc.
Women's International League for Peace and Freedom
Women's Joint Legislative Committee for Equal Rights
Women United
YWCA in Convention
Zero Population Growth
Zonta International

NATIONAL ORGANIZATIONS OPPOSING THE EQUAL RIGHTS AMENDMENT

American Conservative Union

American Women Are Richly Endowed (AWARE)

Communist Party, U.S.A.

Daughters of the American Revolution (DAR)

Eagle Forum

Humanitarian Opposes the Degrading Our Girls (HOT DOG)

John Birch Society

Knights of Columbus

Ku Klux Klan

League of Housewives (formerly (HOW) Happiness of Womanhood)

Liberty Lobby

National Council of Catholic Women

Rabbinical Alliance of America

Stop ERA

The American Party

Veterans of Foreign Wars

Young Americans For Freedom

(List may not be complete)

APPENDIX H

WOMEN IN PUBLIC OFFICE - 1975-1976*

OFFICE	Number of Women	Percentage of Women	Total Officeholders
CABINET:			
Secretary of HUD	1		
U.S. CONGRESS:			
Senate	0	0	100
House of Representatives	19	4	435
FEDERAL JUDGES:	8	1	675
STATE OFFICEHOLDERS:			
Governor	1	2	50
Lt. Governor	3	6	50
Secretary of State	11	22	50
Elected & Appointed Cabinet Members	139	10	1,300**
STATE LEGISLATORS:	610 (Total)	9	7,561
State Senate	89		1,978
State House of Representatives	521		5,583
COUNTY AND MUNICIPAL:			
County Commissioners	456	2½	17,000**
Mayors	578)		
City & Township Council Members	5,369)	5	136,000**
School Board Members	11,000	11	96,560**

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*Compiled by The National Women's Political Caucus
The National Women's Education Fund

**Figures are approximate

WOMEN IN CONGRESS

Bella Abzug	Democrat	New York
Lindy Boggs	Democrat	Louisiana
Yvonne Brathwaite Burke	Democrat	California
Shirley Chisholm	Democrat	New York
Cardiss Collins	Democrat	Illinois
Millicent Fenwick	Republican	New Jersey
Margaret Heckler	Republican	Massachusetts
Marjorie Holt	Republican	Maryland
Elizabeth Holtzman	Democrat	New York
Barbara Jordan	Democrat	Texas
Martha Keys	Democrat	Kansas
Marilyn Lloyd	Democrat	Tennessee
Helen Meyner	Democrat	New Jersey
Patsy Mink	Democrat	Hawaii
Shirley Pettis	Republican	California
Patricia Schroeder	Democrat	Colorado
Virginia Smith	Republican	Nebraska
Gladys Spellman	Democrat	Maryland
Lenore Sullivan	Democrat	Missouri

APPENDIX J

WOMEN AND EMPLOYEE BENEFIT PLANS
THE WOMAN EMPLOYEE/THE WOMAN AT HOME

The Citizens' Advisory Council on the Status of Women recognizes that women's groups, individuals and interested organizations have had some difficulty understanding how employee benefit plans affect women. Employee benefit plans are those "fringe benefits" which along with salary comprise a worker's employment compensation.

While employment practices, salary and fringe benefits are covered under employment discrimination laws, it is difficult to understand the disparate effects of the fringe benefits which are applied unequally to the sexes. It may be obvious that a certain hiring practice, salary scale or promotion policy discriminates against women, but closer scrutiny is required to detect how women fare at the receiving end of a disability or retirement plan.

The Council has therefore initiated a series of papers consisting of the following parts:

Part I - Health Insurance
Part II - Disability Insurance
  A. Short Term
  B. Long Term
Part III - Workers' Compensation
Part IV Life Insurance
Part V - Pensions
Part VI - Employee Benefit Plans Required by Government
  A. Unemployment Insurance
  B. Social Security

Each part of this series explores the plan from the viewpoint of the woman employee and the woman at home, who is perhaps covered under her spouse's plan. A checklist is also provided as an additional resource tool, and will be found at the close of each part.

This series is not written for experts in employee benefits planning, but for the individual interested in understanding how these systems work. Many groups concerned with women's issues have found it difficult to develop employee benefit issues completely, and find themselves bogged down in the unfamiliar jargon and technical rules. It is hoped this series de-mystifies these employment issues.

Before beginning the series we encourage a look at the Appendices.

Appendix 1 is a list of reports in six States on women and insurance. These reports are very helpful in investigating insurance practices which affect the individual consumer. Employee benefit plans concern insurance practices in group policies, rather than individual policies, and referral is made to these reports, therefore, for further reference on individual policies.

Appendix 2 is a "Fact Sheet on Women in the Work Force" for use with the series.

Appendix 3 is a summary of "Federal Employment Discrimination Laws" as they affect employee benefits.

Sincerely,

Jacqueline G. Gutwillig

JACQUELINE G. GUTWILLIG
Chairperson

The Council expresses deep appreciation to the many individuals who have contributed significantly to the series. Particularly, staff of the U.S. Department of Labor and Department of Health, Education, and Welfare, the Civil Service Commission, and State Commissions on the Status of Women are thanked.

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INTRODUCTION

Employee benefits are all the services received by the employee other than wages and salary. They may be payments for holiday, vacation, rest periods, jury duty, business expenses, pensions, insurance (health sickness, and life) and required payments for Social Security, Unemployment Insurance and Workers' Compensation. The cost of these services adds to the payroll costs of the employer.

All employee benefits affect the health and welfare of the employee, and cost is measured against the benefit received. Some benefits cost more than others, of course, and the employer will balance the employee benefit package so the optimum benefits can be derived for the lowest cost. In quoting The Total Approach To Employee Benefit Plans, a management guide, it is said that

> Employee benefits have been viewed as a motivational tool, as protection for an employee's standard of living, as a bargaining device in union negotiations, as a way of meeting competition in an ever tightening labor market, and even as a necessary evil. 1/*

The cost of employee benefits is measured in dollars per year and as percent of payroll. Data on these costs are collected biennially in a survey by the U.S. Chamber of Commerce. The data below are for 1973 and reflect the totals for all industries, although costs vary by region, type of industry, and size of company. This table will be helpful in determining the relative cost of benefits which are described in Parts I - VI.

The annual payroll in 1973 was averaged at $9,878 per employee. This figure included $1,255 for employee benefits "inside payroll" such as paid vacations, rest periods and holidays. Over and above the total payroll $1,975 in "outside payroll" payments was paid for employee benefits such as pensions and Social Security. The employee benefits of concern in this series are those "outside payroll."

All employee benefits, both "inside and outside" payroll, comprised $3,230 per year or 32.7 percent of payroll in 1973. Of this, the cost of employee benefits Parts I - VI were as follows:

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*Footnotes begin on Page 109.

TOTALS PER EMPLOYEE FOR EMPLOYEE BENEFITS, 1973 2/

	Dollars per year	Percent of Payroll
Total of all Employee Benefits	$3,230	32.7
Total of the following Employee Benefits (Parts I - VI)	1,722	17.4
Health (Part I) Life (Part IV)	457	4.6
Miscellaneous (this category includes Disability Insurance) (Part II)	26	.3
Workers' Compensation (Part III)	92	.9
Pensions (Part V)	503	5.1
Unemployment Insurance (Part VI)	117	1.2
Social Security (Part VI)	527	5.3

As can be seen from the table, the employee benefits which are the concern of this series represent about half of the costs for all employee benefits. Earned sick leave, which is part of our concern in Disability Insurance (Part II), is not included in "outside" payroll costs, but is listed separately. The cost of earned sick leave in 1973 was $110 or 1.5 percent of payroll

In order for women, working in paid employment or at home, to receive benefits they view as important to them, they must understand thoroughly the benefits available, their relative costs, and enter into the process of obtaining these benefits. This will be accomplished through efforts with employers, insurers, unions, employee groups and others.

PART I - HEALTH INSURANCE

DEFINITION

Health Insurance is the most common coverage provided to employees. 3/ It protects the worker from the financial drains of accident and sickness expenses. Health insurance was initiated over 100 years ago to protect workers from rail and steamboat accidents. 4/

Today health insurance is more comprehensive and usually covers three major categories of expenses: hospitalization, surgical and medical (physician office visits). Additional coverage is often provided by major medical insurance which covers the above expenses with an initial deductible of, say $300, and usually a percentage, say 80%, of expenses. These categories and major medical will be explored under Benefits, Page 54 . The estimated numbers of millions of workers covered under the four categories in 1973 are as follows: hospitalization 56.4; surgical 55.5; medical 53.1; major medical 25.8. 5/ Additionally, many of their dependents are covered so that including both employer-paid and employee-paid dependent benefits there are covered: hospitalization 158 millions or 76% of the civilian population and surgical, 157 millions or 75% of the civilian population. Although all of this coverage is not group, employer coverage, since 225 millions are enrolled for hospital and 207 millions for surgical (some double counts), it is probable that most of civilian coverage for those under 65 years of age is employer-derived.

Women are affected by the lack of or at best very incomplete health insurance coverage for their most frequent expenses: reproductive health care. The lack of coverage affects both the woman employee and the woman at home, and will be explored in Women and Health Insurance, Page 55.

A most critical factor in reviewing health insurance is knowledge of the health requirements of the women to be covered. Whether women are young or old, preventive health care needs are important. For younger women, a full range of maternity services are significant. This could include costs of family planning, abortion, pregnancy, pre- and post-natal care, among others. If women are older, screening for breast and cervical cancer and care for menopausal symptoms are probably more important. If costs of physical and speech therapy are covered for men they should be covered for women. All of the above mentioned health needs are excluded or restricted under most employee benefit plans.

In order that adequate coverage be assured, women must acquaint themselves with their health needs. Then, women and women's groups must work with insurance companies, employers and unions to cover those needs.

COSTS

Varying arrangements are available to pay the cost of health insurance. Considered a part of an employee's wages, the employer will frequently pay a major portion of the cost, if not the full amount of the basic benefits premium (hospitalization, surgical, medical). 6/ The employee will sometimes pay the residual amount for basic coverage as well as the major cost of supplementary coverage: for dependents, and for example, dental insurance and prescription drugs. 7/

ELIGIBILITY

One to three months service with the employer is the usual requirement for eligibility to the plan. If dependents of the employee are covered, they are eligible at the same time. To claim benefits for maternity it is often a requirement that the employee be married and be insured prior to conception. It has been held illegal by the Federal Government to give more favorable benefits to the wife of an employee than to a female employee.

Frequently, the health insurance plan is limited to full time employees, to the exclusion of part-time workers. This exclusion affects primarily women, as they are 64% of part-time workers (1974 data). Some employers have argued that women are covered under "dependent" clauses is their husbands' contracts, but this argument leaves completely uncovered the part-time working women who head households, who numbered according to the Bureau of Labor Statistics approximately 1.2 million persons in 1974.

BENEFITS

The major categories under which benefits are paid are reviewed below.

Hospitalization Room and board for in-patient admission hospital costs and other hospital charges such as laboratory tests, x-rays, anesthesia, etc. are paid under this category. There is seldom a deductible (amount the employee or dependent must pay before benefit is paid), but there is almost always a maximum number of days or a maximum amount per diem the plan will pay. Maternity benefits are often listed separately and are more limited than other hospital admissions in the stated maximum coverage and/or days. 8/

Surgical expenses are physicians' charges for operations either in or out of hospital. This category usually covers some pre-operative and post-operative visits. During price control some physicians began to "break out" these visits and charge separately for them, a practice which continues. Benefits may be limited to a set amount or may be paid in full. Third party reimbursers as insurance or the government under Medicaid may pay the "usual and customary" charges in a geographic location. Payment limitations may be placed on some procedures.

Medical coverage may include consultations, doctors' visits to the home, treatment for illnesses or accidents not requiring surgery or hospitalization, among others. Benefits are generally limited by a maximum dollar amount, or by a maximum number of visits. There may be a co-payment charge per visit although this is more common under a Health Maintenance Organization or prepaid group coverage. 9/

Exclusions of special concern to women under medical coverage include obstetrical care, care for newborn infants, family planning and prosthetic (as, for example, after breast removal) services.

Major medical coverage is distinguished from the basic benefits above in that it pays surgical and medical care costs but is designed for catastrophic or major expenses. It usually requires the beneficiary to pay a deductible amount, as often car insurance does, and then pays only a percentage of the remianing costs (80% is typical). 10/ Major medical coverage is designed to protect against large, extra-ordinary expenses resulting from accident, illness and disability, and to supplement basic health coverage when that coverage is exhausted. There is a stated maximum paid, either per disability, per lifetime or per benefit period. Major medical often excludes ordinary maternity expenses, but complications of pregnancy are usually covered. 11/

Health insurance plans must be scrutinized carefully in each of the above categories for definitions and exclusions which restrict or eliminate coverage for the most common expenses incurred. These often include exclusions for dental, optical, psychiatric services, speech, physical and "cosmetic" therapy, and the service of a radiologist.

HEALTH MAINTENANCE ORGANIZATIONS (HMO's)

A growing number of Health Maintenance Organizations (HMO's) provide health care for employees. HMO's are private health centers which offer pre-paid group coverage and where the emphasis because the fee is per capita rather than per service, is on preventive rahter than crisis health care. HMO's are generally found in cities large enough to support such an arrangement. Because of the 1973 legislation which requires that extensive benefits be provided HMO's their numbers and coverage have increased only very slightly.

HMO coverage includes most, of not all, of the exclusions which are reviewed above. Monthly premiums, paid for by the employer or in a joint employer-employee arrangement, cover a wide range of health needs of particular concern to women. When a service is required, a nominal fee is charged. For women, HMO coverage is a desirable form of health insurance. However, the drawbacks of such coverage include the necessity of living near an HMO, relatively higher monthly premiums, and clinic settings with attendant problems of rotation of physicians and sometimes long waiting periods. The benefits of such comprehensive coverage should be weighed against the disadvantages of the specific HMO open to women in their geographical area.

WOMEN AND HEALTH INSURANCE

For women working part-time and women homemakers, availability of health insurance has been a major source of difficulty, 12/ if they are not a dependent spouse and even then the coverage for expenses related to maternity and reproduction is inadequate. 13/

Health insurance coverage for the woman employee and the woman at home is inadequate in the following ways:

...maternity coverage available to women dependents under supplemental family plans has not always been available to women employees (contrary to EEOC guidelines). 14/

...maternity coverage available to women as wives may not be avilable to unmarried, dependent daughters. 15/

...the time restriction placed on maternity coverage is not placed on other hospital and surgical expenses. The waiting period for benefits (ten months is typical) has been required because insurance companies consider pregnancy a planned event and insurance is for unforseen risk. Similarly, cosmetic surgery is not covered. Maximum dollar amounts for pregnancy are sometimes set as in other procedures. However, in other proceduresoften a greater amount of the real cost is covered. 16/

...policies may not cover pre- and post-natal care for the mother or for the infant. 17/

...exclusions of coverage for reproductive organs "peculiar to females" are found in some health insurance plans. Similar exclusions for male organs are rarely found. 18/
...in the event of disability or death of a worker, coverage for dependents who wish to continue health insurance under an individual policy is very expensive and very frequently offers decreased benefits. 19/
...female employees may be restricted from covering dependents under a family plan. 20/

SUMMARY

It is important for women employees and women at home to understand their health needs as well as fully understand to what extent their health insurance covers those needs.

The Equal Employment Opportunity Commission, in its Sex Discrimination Guidelines, supports the provision of benefits to males and females on an equal basis. 21/

In the State of New Jersey the Commissioner of Insurance issued a regulation effective September 1, 1975, which prohibits refusal of insurance on the basis of sex or marital status. 22/ The complete regulation is included herein as it presents an example of effective administrative action prohibiting sex discrimination in insurance. Similar action has been taken in New York State.

In the State of Pennsylvania, the Commissioner of Insurance called for a report on "Women and Insurance" and supported strongly the resulting recommendation of the Women's Insurance Task Force. This support was affirmed in a publication entitled "A Mini Guide to Women's Insurance Rights" made available to the general public.

In recent years some States have passed legislation barring discrimination in insurance coverage, including prohibitions against some of the practices mentioned above.

Solutions to health insurance discrimination may originate and be enforced on the administrative level, as in Pennsylvania, New York, and New Jersey; through legislation, by which a state law prohibiting sex discrimination in insurance policies would help eliminate the practices outlined above; or through litigation, where grievances may be filed in court on the basis of the EEOC guidelines issued in 1972.

Efforts to secure adequate coverage for women are undertaken also by unions, on behalf of their members. A notable example is represented by the manual written for negotiators by the American Federation of Teachers. Entitled "Negotiating Change for Women: An Overview" the manual instructs its negotiators on the laws, regulations, and guidelines which provide the basis for changes in discriminatory school board policies and provides detailed examples of policies that are non-discriminatory.

It is also important that women and women's groups as consumers, work with employers and insurance companies to secure adequate coverage under health insurance plans. Reference and checklist are provided for further inquiry.

State of New Jersey
DEPARTMENT OF INSURANCE
TRENTON 08625

June 6, 1975

JAMES J. SHEERAN
COMMISSIONER

(609) 292-5363

TO THE PRESIDENTS OF ALL COMPANIES WRITING PROPERTY AND LIABILITY AND LIFE AND HEALTH INSURANCE IN THE STATE OF NEW JERSEY

CIRCULAR AUTOMOBILE #28
PROPERTY AND LIABILITY OTHER THAN AUTOMOBILE #13

LIFE AND HEALTH 75-2

RE: Forthcoming Regulation Prohibiting Discrimination Based on Sex And/Or Marital Status In the Availability, Underwriting, Benefits, Cancellation of Insurance

On May 18, 1975 Insurance Commissioner James J. Sheeran Promulgated the following regulation to take effect on September 1, 1975:

> "No person engaged in the business of insurance in the State of New Jersey shall refuse to issue any policy of insurance, or shall cancel or decline to renew such policy because of the sex and/or marital status of the applicant or policyholder.
>
> A contravention of the preceding section shall be deemed an unfair and/or deceptive practice in the conduct of the business of insurance in this State in violation of N.J.S.A. 17:29B-1 et. seq. and/or N.J.S.A. 17B:30-1 et. seq.

This regulation was promulgated to eliminate discrimination in the availability and the underwriting of insurance to women and/or divorced or single people. Under the regulation no underwriting distinction based on sex and/or marital status will be permitted. The regulation does not prohibit rate differentials between the sexes when supported by objective and valid statistical data.

Examples of the more common distinctions that were found to exist and that are prohibited by the regulation include, but are not limited to the following:

-- offering insurance policies with waiting periods to females while at the same time offering policies to males that either contain shorter waiting periods or no waiting period;

-- offering males higher benefit levels than are offered to females;

-- offering policies to males with a definition of disability that is more favorable than the disability definition set forth in the policies that are offered to females;

-- offering coverage to males in certain occupations while denying coverage or offering more limited coverage to females in the same occupation categories;

-- offering coverage to males gainfully employed at home while denying or offering reduced coverage to females similarly employed;

-- affording males a more favorable issue age than is offered to female applicants;

-- requiring female applicants to submit to a medical examination while not requiring males to submit to such an examination;

-- denying females waiver of premium provisions that are available to males or offering such provisions to females only for policy limits that are lower than those available to males;

-- denying to divorced or single persons insurance available to married persons;

-- offering dependents of one sex insurance benefits that are denied to employees of the same sex as the dependents. For example, on a group plan offering the spouses of male employees pregnancy benefits while denying pregnancy benefits to married female employees.

This regulation will be applied prospectively, effective September 1, 1975. Between now and the effective date of this regulation, insurance company executives are requested to:

1) Inform underwriting and sales personnel of the Department's prohibition.

2) Obtain approval from the New Jersey Insurance Department for rates, where required by statute, for coverages you will be selling to individuals to whom you previously did not offer the coverage.

3) Distribute approved rates to marketing personnel.

4) Be sure that your advertisements, sales materials, application forms and policy forms reflect this regulation. For instance, the next printing of application and policy forms should replace "wife's name" with "spouse's name".

Please address any questions concerning this letter to Dr. Eleanor J. Lewis, Director of Consumer Services, New Jersey Department of Insurance.

HEALTH INSURANCE CHECKLIST

The following checklist is provided to explore health insurance coverage for women employees and women at home.

Eligibility

1. Are both male and female employees eligible for the plan?
2. Are dependents of male and female employees covered under the plan?
3. Are part time workers excluded from the plan?
4. How long must an employee work for the employer in order to be covered?

Costs

1. How much does the employer contribute to the plan per employee?
2. How much does the employee contribute?
3. Is coverage optional for major medical? for dependents ?for other common expenses?

Benefits

1. Under each category what are the exclusions or limitations concerning maternity or other female health expenses?

Hospitalization
Surgical
Medical
Major - Medical

2. Are the limitations placed on female health expenses placed on any other health expenses? (for example, tonsillectomies)
3. Is there a waiting period for benefits for female health expenses?
4. Are maternity and complications benefits limited to wives of covered workers? Are daughters or single women excluded from coverage?

General

1. What is the method for conversion of an individual health insurance policy due to disability or death of the employee?

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PART II - DISABILITY INSURANCE

A. Short Term or Temporary Disability

DEFINITION

A short term disability is an accident or illness which restricts working activity for a limited period. It may include disabilities resulting from heart attack, broken bones, ulcers, alcoholism, pregnancy, or an operation, among others. 23/ The assumption in short term disability is that the employee, when healthy, will return to work. The employer's purpose in providing a temporary disability plan is to protect the worker from at least partial wage loss and enable her or him to return to work as soon as is feasible.

A short term disability plan may provide income protection through an earned "sick leave" arrangement or through temporary disability insurance which partially replaces wages, or a combination of both. Under the earned "sick leave" arrangement, usual for salaried, "white collar" jobs, employees earn sick days much as an employee might earn vacation days -- for example, one day per month of employment.

Short term disability plans are voluntary with the employer except in the States of California, Hawaii, New Jersey, New York, Rhode Island, and in Puerto Rico. In 1973, the number of workers covered under short term disability plans nationwide totaled 31.7 million. 24/

The major form of discrimination against women in disability coverage has been the exclusion of pregnancy and its complications under the definition of disability, explored in full on Page 62.

ELIGIBILITY

Requirements may vary from first day eligibility to a full year of service. However, typically a one to three month service with the employer is required for participation. The plan may be limited to full time permanent employees - a significant disadvantage to part-time workers. Coverage for part-time workers that would fairly reflect their work participation would eliminate this disparity. Such coverage may discourage hiring of part-time workers due to employer's costs.

COSTS

In a survey of short term disability plans by Personnel Policies Forum of the Bureau of National Affairs, it was reported in 1974 that most employers contribute the total cost of the plan. Some 30% of sampled plans require employee contributions, which vary from 5% to 100% of cost. 25/

BENEFITS

The amount and duration of benefits are most important factors in short term disability plans. In an earned "sick leave" disability plan, an employee usually is paid 100% of wage for as many days as have accumulated during her or his period of employment. In a plan which provides a set benefit for a set period, it is important to note the maximum length of benefit, the waiting period, and whether the benefit is a flat amount or a percentage of weekly wage. Generally, the maximum duration for short term benefits is six months.

WOMEN AND SHORT TERM DISABILITY

The woman at home, dependent upon her husband for financial support, has a clear interest in short term disability provisions in that a wage loss incurred by her husband would certainly affect her and her family's economic status. It is important to note that disability insurance for the homemaker through a privately purchased individual policy is not covered in this series. This type of coverage is sought by many homemakers and is discussed in the reports listed in Appendix 1, Page 115.

Women employees face discrimination if pregnancy and its complications are excluded from the definition of short term disability, or if included, limited in ways that other disabilities are not. Some employers state that a pregnancy is a planned disability from work, and that illnesses and accidents are unplanned. Women state that many pregnancies are unplanned or mistimed and note that the current low birth rate and proven low costs of coverage, as in the Hawaii experience, make this an unimportant distinction. Women have stressed that the determination of a short term disability (by means of a doctor's note, for example) should be the same for all disabilities.

In 1963, the President's Commission on the Status of Women recommended that "paid maternity leave and other compensable insurance benefits should be provided for women workers." 26/

In 1968, the Citizens' Advisory Council on the Status of Women recommended that "the general system of protection against temporary wage loss because of disability should include protection of working women against loss of earnings when they are unable to work before and after childbirth." 27/

In 1970, the Council published a memorandum on "Job Related Maternity Benefits" with the recommendation that "Childbirth and complications of pregnancy are, for all job related purposes, temporary disabilities and should be treated as such under any health insurance, temporary disability insurance, or sick leave plan of an employer or union, or fraternal society." 28/

In 1972, the Equal Employment Opportunity Commission issued guidelines which interpret Title VII of the Civil Rights Act of 1964. These guidelines hold pregnancy to be a temporary disability and outlaw employer practices which treat pregnancy and complications of pregnancy differently from other disabilities. 29/ (See Appendix 3, Page 117.

Grievances have been filed by individuals and unions and by the EEOC with regard to pregnancy and its complications, and six Circuit Court of Appeals decisions have upheld the guidelines. The Supreme Court has granted review to the case of Gilbert v. General Electric (No. 74-1589 and 74-1590) which was argued in January 1976. 30/ (See also Liberty Mutual Insurance Company v. Wetzel, No. 74-1245) Decision is expected in 1976.

State Laws

In those states requiring short term disability plans the inclusion of pregnancy in the definition of disability varies.

California amended its 1946 statute to include complications of pregnancy --but not normal pregnancy--in its definition of disability. 31/

Hawaii passed a disability law in 1969, and amended it in 1973 to include pregnancy as a temporary disability. 32/

New Jersey amended in 1961 its 1948 statute to classify pregnancy as a compensable disability for the four weeks before and four weeks after birth. 33/

The New York disability law, passed in 1949, allows exclusion of pregnancy unless the disability occurs after return to covered employment for at least two consecutive weeks following termination of pregnancy. Puerto Rico's statute follows the New York definition. 34/

Rhode Island allows payment for pregnancy but limits benefit to no more than $250. 35/

SUMMARY

Efforts to include pregnancy and its complications in short term disability plans stem from the fact that women employees may suffer wage loss when disabled by pregnancy, a non-employment related illness. Men do not suffer similar wage loss from non-employment related illness.

Women and women's groups have sought legislative and judicial remedies to resolve this issue. In those States with short term disability statutes, amending the statutes would be a reliable course of action. In States with voluntary disability plans, efforts should be focused on insurance companies, unions, and employers in addition to the legislatures and the courts. The expected Supreme Court decision in Gilbert v. General Electric should be noted. Any grievances based on EEOC guidelines may be filed with EEOC, located in cities throughout the country.

B. Long Term Disability (LTD)

The characteristics of long term disability coverage are analyzed briefly but separately from short term disability coverage. Generally, as the expense of providing LTD benefits is greater, the eligibility, cost and benefit requirements are stricter. Availability of LTD plans to employees is less common: it was estimated in 1973 that 10.7 million workers were covered under LTD plans. 36/ Long term disability plans by employers are not required by law. Social Security (Part VI B) permanent long term disability benefits are payable to workers who meet eligiblity requirements and also to disabled widows and widowers of beneficiaries as well as dependent children upon birth or disabled prior to age 22 years.

It is more likely for LTD plans to require full time permanent employment as well as a number of years, rather than months of service with the employer for participation in the plan. 37/

Also, it was found in the Bureau of National Affairs' survey that the employee was more likely to share in the cost, and more likely to assume total cost of LTD coverage. 38/

Benefit payments are generally made after 6 months of disability although this requirement varies. 39/ Payments are made to the eligible employee as a percentage of weekly wages or in combination with possible Workers' Compensation or Social Security disability payments. Benefits are paid for a set number of years (5 to 10 is typical) or until age 65 (when Social Security or private pension should assume payment). 40/ Less frequently, payments are made to the employee for life.

As in short term disability, exclusion for pregnancy affects women under LTD. An example of such exclusion is quoted below from the Long Term Disability plan offered in Federal employees in 1975:

> EXCLUSIONS
>
> Benefits are not payable in the event of disability occurring as a result of the commission, or the attempt to commit an assault, battery or felony; nuclear disaster, participation in a riot; war; service in the armed forces; pregnancy, miscarriage, childbirth or abortion; intentionally self inflicted injuries, or disabilities while not under the regular care of a legally qualified physician Mental or nervous disorders are not covered after 2 years unless you are hospitalized or institutionalized. 41/

Equal Employment Opportunity Guidelines on Sex Discrimination outlaw exclusions from coverage for pregnancy and complications, Problems inherent in enforcing EEOC guidelines for short term disabilities exist also for long term disabilities. Long term disability plans should be scrutinized with the checklist and resource information made available for the short term disability section.

SHORT AND LONG TERM DISABILITY CHECKLIST

Knowledge of the provisions of disability insurance plans is important. The following questions should help in any analysis of short term disability provisions. Grievances are filed with the Equal Employment Opportunity Commission.

Definition

1. Are pregnancy or complications of pregnancy (miscarriage, abortion) excluded from the definition of coverage? (If so, this exclusion is contrary to EEOC guidelines.)

2. If included, are limitations placed on pregnancy not placed on other short term disabilities?

3. What are the other exclusions?

Eligibility

1. When is an employee eligible to participate?
2. Are part-time workers eligible?

Costs

1. Who pays the cost of the plan?

2. If employee pays, how much is the contribution?

Benefits

1. What are the benefits? How long do they last?

2. Is there a waiting period for benefits?

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PART III - WORKERS' COMPENSATION

DEFINITION

Workers' Compensation is a social insurance system designed to off-set loss of income due to work related injury, occupational disease or death. The fifty States and the jurisdictions of Puerto Rico and the District of Columbia have a workers' compensation law. Workers' Compensation coverage is required in all States except New Jersey, South Carolina and Texas where workers are covered under a voluntary system on the part of employers. There are no national minimum standards required by law, nor federal regulation of the state programs. Coverage and benefits vary widely throughout the country.

The need for legislation to protect workers developed in the early 1900's out of an unwieldy system whereby employees were required to sue employers for damages resulting from injury. Injuries at work and statistical reporting of them had increased considerably after the Industrial Revolution. The advent of factories with large employee groups, unknown personally by the employer, compounded the problems of compensation for work-related injury. 42/

State statutes were passed during the first half of this century and have provided some measure of protection against wage loss, and rehabilitative and medical costs. 43/ These statutes establish all the criteria for payment of benefits, and are administered by a state labor office or department, by the courts (in four States) or by a workers' compensation board.

ELIGIBILITY AND COVERAGE

Covered Workers

Adequate coverage under Workers' Compensation laws has been an issue for all workers. Requirements for eligibility and benefits are constantly changing, but States in general have worked toward a more effective compensation program for more workers. 44/

The National Commission on State Workmen's Compensation published its survey of workers' compensation in 1973 and recommended improvements in the system. Their list of essential recommendations is included on Page 72 . The Administration published a White Paper on Workers' Compensation in 1974. 45/ The Commission's essential recommendations were accepted and policies were formulated in seven broad areas. The Interdepartmental Workers' Compensation Task Force, located in the U.S. Department of Labor, currently monitors progress of workers' compensation in the States.

As workers' compensation is attracting much attention presently, it is particularly timely to look carefully at this issue from a woman's point of view. The issues of concern to the woman employee and the woman at home are:

. . . coverage of private household and farm workers (Page 68).
. . . benefits for survivors of workers at death (Page 70).
. . . compensation for work related and occupational injury while pregnant (Page 70
. . . availability of information for workers and families on possible effects of work in hazardous occupations (Page 69).

These issues should be considered along with the increased concern for adequate and effective protection for all workers.

Although the early statutes covered workers only in "dangerous" occupations, most State laws today include the majority of occupations. Typical exclusions that remain are farm workers, private household workers, and casual employment. 46/ Casual employment is defined differently in the States but usually means employment of persons not on a regular payroll.

Twelve States exempt employers with a small work force (the range is from fewer than 2 to 6 employees). Other important exemptions include volunteers, the self-employed and some State and local employees. Maritime and railway workers and Federal and military employees are covered under other protective statutes.

Of special concern to women is the coverage of household workers under Workers' Compensation laws. Women comprise 98% of all private household workers, 47/ and provide essential economic support to their families. They suffer wage loss due to on-the-job injury. Coverage of private household workers is an essential recommendation of the National Commission and the Administration (Recommendation 2.5, Page 72). No State has enacted this recommendation, although Ohio had enacted in 1973 a similarly worded law, and amended it in 1975 to be less comprehensive. One of the difficulties encountered in extending Workers' Compensation to private household workers is the enforcement of such coverage. There is considerable belief that many household employers do not pay OASDI taxes for their home workers, and the same difficulty, but to a lesser degree, might apply to Workers' Compensation taxes and coverage. However, some States as California, require household workers to be covered. 48/

Covered Injuries

There is variation between the States on what is compensable under Workers' Compensation, but two criteria are usually required. The injury must be 1) personal and by accident and must 2) arise out of and in the course of employment. 49/ These criteria have been difficult to apply to many injuries and work situations, including occupational and psychological illness and work-related injury that occurs off the employer's premises.

Of particular concern to the woman as employee and the woman at home is the treatment of occupational disease as part of Workers' Compensation. Compensation for occupational disease varies, but generally States have restricted coverage for occupational disease by placing a time limit on filing a claim for injury, or by fixing a maximum allowable benefit for certain known diseases, such as silicosis "black lung" or asbestosis. State laws generally include a list (or schedule) of covered occupational diseases. Any occupational illness or disease not listed on the schedule requires considerable argument before being compensated, if at all.

Occupational diseases, induced by introduction of harmful substances into the body, may have a very long latency period and often do not evidence symptoms until years after exposure. The cause and effect relationship between substance and injury is hard to prove and even may be unknown but it is the employer's and the employee's interest is to prevent such occupational diseases through health and safety standards established by the Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health (NIOSH) and Department of Labor, Occupational Safety and Health Administration (OSHA). Compensation for the employee injured as a result of an occupational disease is in the interest of all concerned with wage loss replacement for work-related injury.

Women at home, financially dependent upon husbands who work in dangerous occupations are clearly vulnerable to occupational disease exclusion. Economic protection for the family is an important concern of these women. Important also is knowledge about occupational disease. Spouses and children of diseased workers may evidence the disease after a lengthy latency period. Although not directly work-related for them, they may not be able to function or may become infirm, crippled, or diseased and unable to continue in their usual occupations because of exposure tc polluted air or water or dust or clothes they wash.

Women employees who are pregnant or who are of childbearing age may be vulnerable to occupational diseases in work situations which introduce harmful substances (radiation or toxic chemicals, for example) into their systems. They may be vulnerable where exposure to certain agents may affect fetal development. In 1975, a report entitled "Occupational Problems of Pregnant Women" outlined how pregnant women may be vulnerable to occupational hazards; further research and data collection was urged. 50/

It has also been suggested that workers (both men and women) of child producing age whose reproductive capacities may be affected by an occupational hazard be fully informed of possible dangers. Research is needed to provide accurate information to workers.

In view of the increasing participation of women in the work force, and especially those women of childbearing age, these recommendations demand continued attention. If the worker has reliable information she or he is better able to make viable choices.

COSTS

The financing of Workers' Compensation is usually through insurance coverage; premiums are paid by the employer. In some States, public funds from general taxes and private funds combine to cover the administrative costs of the Department or Board which enforces the statutes.

Cost of Workers' Compensation varies considerably, as it is based on the accident and illness rate of an occupation. For example, in a construction or mining operation, the premium charged to cover possible injuries and illnesses would be higher than that charged to an educational institution.

BENEFITS

Workers' Compensation pays benefits for medical and rehabilitation expenses, and for partial replacement of wage loss. Benefits are paid in four categories:

1) permanent total disability - where the worker can only minimally participate in the labor force.

2) permanent partial disability - where the worker is left with partial disability which affects earning potential .

3) temporary total disability - where the worker is disabled for a limited time, after which she or he returns to the labor force.

4) death - where payment is made to survivors. 51/

Benefits in each of these categories are determined by a percentage of the employee's weekly wage, but are generally limited to a maximum weekly amount and a maximum duration. Often benefits are limited by waiting periods from five to forty-two days. In most cases if the disability causes loss of income after the waiting period is met, payment is made retroactively.

Benefits paid to workers for work-related injury are generally set to replace a percentage of weekly wage. The range of payment in the States is broad, but in general States have legislated changes in their workers' compensation statutes to bring standards in line with Federal recommendations. The Federal recommendations suggest payment of benefits should be at least 66 2/3 percent of an employee's gross weekly wage, with the maximum weekly amount payable based on the State's average weekly wage. 52/

Female and male employees are equally subject to benefit provisions in a State. Efforts to adequately protect all employees from partial wage loss is the goal of many working in the area of Workers' Compensation--at the State and Federal levels of government, for unions and for public interest law firms, as well as for concerned employers.

Benefits for Injury While Pregnant

One area of particular concern for women employees is the situation of pregnant women injured on-the-job. Lack of data on pregnant women injured on-the-job is part of the problem. Current data collection does not include this question in inquiries about injury. A recommendation of Vilma Hunt in 'Occupational Problems of Pregnant Women" is that pregnancy be included on the required form (OSHA 100, 101, 102 - U.S. Department of Labor, Occupational Safety and Health Administration). 53/

Survivors' Benefits

Women at home, dependent upon husbands for financial support, and women employees are affected by survivor benefit provisions which would be paid under provision (4). The dearth of protection for widows was a major concern of the President's Commission on the Status of Women in their 1963 Social Insurance and Taxes Committee Report, as expressed in the Section on Workers' Compensation. 54/

Women who are divorced from their husbands at the time of the husband's death may not be eligible for benefits. Widowers may not be eligible for benefits under survivor provisions, although this kind of restriction would be changed with passage of the Federal Equal Rights Amendment, or by Supreme Court interpretation.

The payment of survivor benefits to dependents at death was a concern of the National Commission on Workmen's Compensation and the Administration. In 1974, it was recommended that death benefits be paid to a surviving spouse (at any age) for life or until remarriage. Thirty-one States have enacted this recommendation as of January 1976. In addition, the Administration recommended that benefits be paid for children up to a certain age, and that lump-sum payments be provided at remarriage.

The amount of a survivors' benefit differs throughout the country. As of January 1976 more than half of the States paid the surviving spouse maximum benefits of at least 66 2/3% of the worker's average gross weekly earnings. Twenty-one States paid less than 66 2/3% and four States paid a set amount, not tied to worker wages.

SUMMARY

Workers' Compensation provides benefits for employees injured on-the-job or incurring occupational disease. Women and women's groups can become involved in Workers' Compensation issues through legislation and through established administrative channels, as well as by working with unions and employers. To aid this process the checklist and reference section are provided.

Essential Recommendations of the National Commission on State Workmen's Compensation Laws

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R2.1 Coverage by workmen's compensation laws be compulsory and that no waivers be permitted.

R2.2 Employers not be exempted from workmen's compensation coverage because of the number of their employees.

R2.4 A two-stage approach to the coverage of farmworkers. First, as of July 1, 1973, each agriculture employer who has an annual payroll that in total exceeds $1,000 be required to provide workmen's compensation coverage to all of his employees. As a second stage, as of July 1, 1975, farmworkers be covered on the same basis as all other employees.

R2.5 As of July 1, 1975, household workers and all casual workers be covered under workmen's compensation at least to the extent they are covered by Social Security.

R2.6 Workmen's compensation coverage be mandatory for all government employees.

R2.7 There be no exemptions for any class of employees, such as professional atheletes(sic) or employees of charitable organizations.

R2.11 An employee or his survivor be given the choice of filing a workmen's compensation claim in the State where the injury or death occurred, or where the employment was principally localized, or where the employee was hired.

R2.13 All States provide full coverage for work-related diseases.

R3.11 The definition of permanent total disability used in most States be retained. However, in those few States which permit the payment of permanent total disability benefits to workers who retain substantial earning capacity, the benefit proposals be applicable only to those cases which meet the test of permanent total disability used in most States.

R3.17 Total disability benefits be paid for the duration of the worker's disability, or for life, without any limitations as to dollar amount or time.

R3.25 Death benefits be paid to a widow or widower for life or until remarriage, and in the event of remarriage two years' benefits be paid in a lump sum to the widow or widower. Benefits for a dependent child be continued at least until the child reaches 18, or beyond such age if actually dependent, or at least until age 25 if enrolled as a full-time student in any accredited educational institution.

R4.2 There be no statutory limits of time or dollar amount for medical care or physical rehabilitation services for any work-related impairment.

R4.4 The right to medical and physical rehabilitation benefits not terminate by the mere passage of time.

WORKERS' COMPENSATION CHECKLIST

General

1. What Board, Commission or Office administers Workers' Compensation in your State?

2. What are the procedures for filing a claim?

3. What on-the-job injuries must be reported?

4. Is there a time limit for filing a claim?

Eligibility

1. What categories of workers are excluded from Workers' Compensation coverage?

2. Are domestic and part-time workers covered?

Benefits

1. What factors determine benefit?
    a. What is the percentage of weekly wage paid?
    b. What is the maximum duration?

2. Is there a waiting period for benefit? How long?

3. Is benefit paid retroactively if waiting period is met?

4. Are benefits paid for occupational diseases?

5. In the event of death is a survivors' benefit paid for
    a. a widow? a divorced widow?
    b. a widower?
    c. dependent children? (up to what age?)

6. Is survivors' benefit automatic, or must a claim be filed within a certain time?

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PART IV - LIFE INSURANCE

DEFINITION

A worker may have the option, as part of an employee benefit package, to participate in life insurance coverage. Life insurance provides benefit for a spouse (or beneficiary) and dependents at the worker's death. It helps to replace the earnings of the insured worker and afford a degree of financial protection for the family. According to a guide entitled Negotiating Fringe Benefits, the importance of adequate insurance protection should not be underestimated. 55/

Individual policies are sold in three basic forms: term, whole life (ordinary), and endowment. Term insurance is usually purchased to cover immediate needs, as during years when young children are dependent on the worker. It has no cash value and, therefore, is the cheapest for the dollar benefit covered. Whole life and endowment policies are types of insurance which have higher premiums than term because they have a savings component which gives them a redeemable cash value. The latter may be used to pay an annuity at retirement. An annuity is a contract that provides income starting at a given age for life.

An individual can be "over-insured." One should not assume that sacrifice of large amounts of current income for future annuity income is always wise. Risk of death at younger years is much less than during older years, and, therefore, persons with young children may be more prudent if they take out term insurance.

Term life insurance is sold on a group basis to employers for employees. Of all life insurance in force in 1974, group life insurance plans comprised 42%. 56/ Of all group life insurance, 86.1% was employee insurance. The remainder of group plans covered professional associations, unions and savings institutions. It was estimated in 1973 that 58.2 million workers were covered under employee life insurance. 57/

ELIGIBILITY

There is no requirement that an employer offer life insurance. The employer may set eligibility requirements. Generally, requirements to participate in a life insurance option are not strict, although life insurance plans may exempt part-time and seasonal workers. Some employers make life insurance coverage available immediately upon entering service with the employer; however, service with the employer for ninety days to six months is typical. 58/

COSTS

Participation is often funded through employer contributions, although some group plans require a monthly or yearly employee contribution. Life insurance plans also may be employer paid for the basic amount with employee paid optional coverage.

BENEFITS

The amount of coverage under life insurance varies from employer to employer. A simple formula used to determine adequate coverage will amount to $1,000 plus the annual salary. The Institute of Life Insurance estimates average coverage for the employee in 1974 to be $11,645. 59/ Many individuals purchase supplemental insurance to suit their particular needs.

It is important to recognize the factors that may determine the amount of benefit in addition to or instead of the formula above. For example, while an employee may be eligible for coverage after working three months for the employer, the amount of coverage generally varies over the length of time on the job, the age of the employee, and the salary she or he attains. It is very common to insure the higher paid employees of a firm at a higher proportionate rate than the lower paid employees.

While individual life styles and requirements for adequate coverage differ, it is important that life insurance coverage be most adequate when the loss of income due to permature death would result in great financial hardship to one's dependents. As women participate in the labor force in greater numbers, they must judge accordingly their own life insurance coverage in the light of their economic contribution to the family. The proportionate increase in female headed households necessitates a concerned look at life insurance coverage for these female employees.

WOMEN AND GROUP LIFE INSURANCE

Women employees may find discrimination in coverage under group life insurance plans. Practices uncovered by the Pennsylvania Insurance Commissioner's Advisory Task Force on Women's Insurance Problems include

. . . covering only employees who are the "primary wage earners" in the family and

. . . extending a special monthly survivors' benefit only to husbands who can prove their dependency on the deceased wife's earnings, while making this benefit available to all widows. 60/

In addition, the Women's Task Force Report to the Michigan Commissioner of Insurance reported that dependents' payments to "illegitimate" children were frequently withheld. 61/

A fundamental problem that women at home have had with life insurance is their lack of knowledge about it. There is no guarantee that a woman at home be informed of her spouse's coverage. He has the option of naming her as beneficiary, but need not inform her of that fact, nor need she know where the policy is kept or how to apply for and claim benefits upon her spouse's death. This difficulty could be eased somewhat if employers, unions, and insurance companies strongly encouraged the homemaker's participation in group insurance decisions. They can inform employees and spouses through the employee newspaper and special employee benefit handbooks. Women must also take the initiative and request such information from their spouses.

Women, Actuarial Data, and Group Life Insurance

According to actuarial statistics, women live longer than men. In group life insurance when a woman's longer life expectancy should lessen her chances of premature death, and thus make her a less expensive risk, the factor of sex may not enter into the premium computation. The cost of a life insurance plan for a group of employees may be estimated on factors including sex, but once costs have been determined, the cost for the life insurance plan is attributed to employees as individuals, and not by sex. In Part V, Pensions, it will be shown that pension costs are attributed by sex in many plans and the cost for women employees is greater than for simarly situated male employees, if the workers are paid equal periodic benefits.

While insurance companies and employers state on one hand that costs for pensions for females exceed the costs for males, life insurance costs have been presented on a sex-neutral basis, where the difference in longevity should favor women. The question asked by many women and women's groups is: If the industry can rate employees on a sex-neutral basis in life insurance, why not in pensions? The definition of equal treatment for male and female employees under life insurance plans is being litigated at present, as, for example, in a well known plan available to university and college faculty, TIAA. Readers concerned with life insurance coverage should note future court action in this area.

LIFE INSURANCE CHECKLIST

As in other employee benefit plans, the provisions and requirements are negotiable. However, plans will not change to fully meet the needs of women, unless women enter into the arbitration process. Here is a life insurance checklist to aid women in determining how they are covered.

Eligibility

1. When may an employee be eligible for the life insurance plan?

2. Is this the same for men and for women?

3. Are any employees excluded from insurance coverage? (For example, is coverage limited to "primary wage earner" ?)

Amount of Coverage

1. What is the formula used for determining amount of coverage?

2. Is the employee required to pay any amount in order to be covered? How much?

3. Are costs attributed by sex in the life insurance plan? If they are not, are they attributed by sex in the company's pension plan?

Benefits

1. What is the procedure for payment upon an employee's death? Is there a time limit or any other restriction on application for benefits?

2. Are benefits paid to the spouse of either sex? Are they paid to the dependents of the spouse of either sex? Is there an age limitation placed on payment?

3. Is proof of dependency ever required for payment of benefit?

4. Is there a provision for beneficiary to be notified of her/his status under the plan?

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PART V - PENSIONS

DEFINITION AND BRIEF HISTORY

Pensions and retirement plans are those provisions of an employee benefit package which pay for periodic payments to an employee after retirement. Entitlement depends on the number of years worked and the salary attained, among other factors. Social Security may, in addition to its other functions, be considered a retirement plan and will be discussed in Part VI, B.

The earliest pensions offered employees were provided as rewards for service rendered to a company. As the result of tax incentives, union bargaining, competition in the labor market, social responsibility on the part of the employer, and the increased availability of insurance policy packages pensions have grown tremendously in their approximately seventy year history. 62/ At the close of 1973, it was estimated that 29.2 million workers were covered under a private retirement plan. 63/

Employees generally consider pensions as current wages deferred until retirement, when lower income tax rates on their taxable decreased income would be beneficial. 64/

The Labor Management Relations (Taft-Hartley) Act of 1947 has been interpreted by The National Labor Relations Board to impose a duty on employers to bargain with representatives of their employees on the issue of pensions. The Board's interpretation was supported by a U.S. Court of Appeals decision in Inland Steel Co. v. United Steelworkers of America and in 1949 when the Supreme Court denied review of the case, the principle of union bargaining in the area of pension and retirement plans was firmly fixed. 65/ Unions thus look upon pensions as part of the collective bargaining package, with provisions and benefits viewed as negotiable items.

There has never been a requirement or a law which has compelled employers to offer pension plans, and before passage in 1974 of the Employees Retirement Insurance Security Act (P. L. 93-406) (hereinafter ERISA) retirement plans that were offered were regulated for all practical purposes only the Internal Revenue Service for purposes of qualifiying for tax exempt status. The passage of ERISA does not require a firm to establish a pension plan, but requires an existing or new plan to meet certain requirements. It has corrected some of the inequities in existing plans: in some cases workers who had been part of a plan for many years found that they were denied benefits because of mismanaged funds by either the company and/or the union or because the company which they had worked for went out of business. ERISA, administered by the Office of Employee Benefits Security, Department of Labor, has corrected some of the inequities workers faced, but also, in some cases, small companies have claimed that they have been forced to bankruptcy, because they can not meet the relatively high costs of compliance.

While a pension plan is offered to replace earnings at the time of retirement, it is not designed to realize a benefit for every worker covered as in other forms of insurance (such as health, auto, life) individuals join plans to pool a risk. Not all individuals in an insured group will suffer sickness or an accident, and thus those who do can be paid for their loss in a well-managed insurance plan. Everyone plans to retire, although some employees die early. Participants count on income from a pension plan to offer some financial security at time of retirement. For many, that security has not been there.

Women employees and women at home are particularly disadvantaged in earning rights to pensions because the structure of their working life is different from men's. It is not that women are offered different pensions than men, but that their labor force participation and the typical pension rules combine to limit eligibility to benefits at retirement. The median yearly income from private pension plans was estimated in a 1969-70 study to be $2080 for men and $970 for women. 66/

Specifically, pension coverage is less likely for:
. . . part time workers.
. . . workers in low-paying jobs.
. . . workers in non-union jobs.
. . . workers with a major break in service or several breaks.
. . . workers who enter the labor market only a few years before retirement.
. . . workers who work for small companies.
. . . workers who work less than 5 or 10 years for a single employer.
. . . spouses of deceased workers where the joint and survivor option was waived.
. . . migrant workers.

TYPES OF PLANS

A pension plan contains provisions which establish coverage for participation of employees. Since passage of ERISA an employer must, if any pension plan is offered, provide coverage which meets minimum Federal standards. The types of pension plans offered and the minimum standards are described briefly below.

The two basic types of pension plans are commonly called defined benefit and defined contribution. The large majority of plans are defined benefit plans in which a fixed amount of money is promised to the eligible employee at retirement (for example $100 a month for life). A smaller percentage of plans are defined contribution plans in which the contribution is fixed. rather than the benefits. The annuity at retirement is based upon the accumulated contributions, but the amount of monthly benefit may be determined by sex. One of the largest pension plans offered under a defined contribution arrangement is the Teachers' Insurance and Annuity Association - College Retirement Equities Fund (TIAA-CREF). Women in the TIAA-CREF plan receive less in monthly benefits than similarly situated men.

Under Labor Department rulings a Federal contractor or employer could provide either equal benefits or equal contributions in a pension plan. Under stricter guidelines, the Equal Employment Opportunity Commission has required that equal benefits be paid to employees entitled under a pension plan (See Appendix 3, Page 117). Because women live longer than men, the requirement to pay equal benefits in defined contribution plans has caused considerable controversy. It is argued that the payment of the same monthly benefit over a longer lifetime costs the employer more for the female than for the male. Others argue that many factors, including salary increases, interest rates and inflation, determine cost to employers 67/ and cost should not be argued as a defense of paying unequal monthly benefits. The issue of equal benefits/equal contributions will be further explored in Retirement Benefits, Page 83.

ELIGIBILITY

In general, ERISA has forbidden age and service exclusion in a plan if an employee meets requirements of one year of service and twenty-five years of age. Pension plans may vary as, for example, they can be legitimately limited to a particular class of employees within a company to the exclusion of others. Part-time workers are often excluded under such allowances.

Also, in a defined benefit plan employers may legally exempt workers who are hired within five years of retirement.

Women workers may have difficulty under eligibility provisions in pension plans in that

. . . they may work in their early years and leave the labor force to raise children at about the age (25) they could participate.

. . . they may re-enter the labor force in later years and not be eligible if they re-enter within five years of retirement.

. . . they may work part-time and be excluded from eligibility.

VESTING

After having worked a specified period of time with an employer under a pension plan, an employee is given the right to benefits under that plan, even if the employee leaves the job before retirement. That earned right is called vesting. 68/ Employee contributions are "vested" when contributed, but employer contributions to the plan are vested according to a scheduled. ERISA requires vesting to be accomplished in one of three possible ways, but under all schedules an employee must be at least 50% vested after 15 years of service, regardless of age. 69/ The reader interested in vesting requirements is referred to the Department of Labor Publication "Often Asked Questions About ERISA," in the References section. Most pension plans are non-contributory, that is, employer paid, 70/ and thus vesting rules are an important part of pension plans to understand.

From the working woman's point of view she will be less likely to earn vesting rights if she leaves the labor force for bearing a child and subsequent responsibilities in caring for a child. If she returns to the labor force in later years she should check the requirements of the employer's pension plan. Men who change jobs often have similar problems and therefore older men may hesitate to change jobs.

Vesting provisions also affect the woman at home, who is financially dependent upon her husband for support. If a worker is vested, but dies before the survivor option was made available, the dependent spouse has no rights to pension benefits.

BREAK IN SERVICE

According to ERISA, a break in service occurs when an employee has not completed more than 500 hours of service in a year. An employee who is not vested when incurring a break in service may lose all accrued pension credits if the break equals or is longer than the number of years the employee worked.

If the break in service definition were changed to credit service to the employer when rendered, it would help working women who may return to the same employer after years of childcare. While they would not earn any rights during homemaking years, they would be able to add previous credits, increasing the chance for eligibility to benefits at retirement.

Allowances in break in service are not without precedent, as for example in rules regarding break in service for military leave. The employee who leaves an employer to serve time in the military does not create a break in service. Women who leave the labor force to have children are also contributing to society and the nation's welfare, and both contributions deserve careful consideration.

RETIREMENT BENEFITS

If the employee has met the previous conditions of eligibility, vesting, and break in service at retirement she or he would receive a pension benefit. Generally, the benefit is dependent upon length of service with the employer and often, salary attained. The description below illustrates how benefits are determined under the previously explained plans--the defined benefit and the defined contribution plans.

Defined Benefit

As reviewed briefly above in a defined benefit plan a periodic payment, usually monthly, will be assigned to an employee--most often based upon salary and years with the employer. For example, the employee is allotted a benefit which is a set amount, perhaps a percentage of the average of the highest salaried years multiplied by the number of years worked. For a single life annuity (paid to a pensioner for her or his life only), the monthly benefit for a man and a woman worker earning the same money for the same number of years would be equal.

When the joint and survivor option is selected (See Page 85) both the female and the male could have their benefit reduced to cover payment of a benefit for the life expectancy of the spouse. The woman employee may have her benefit actuarially reduced a lesser amount than the male employee when this option is chosen. One of the factors which causes a lesser reduction for females is their tendency to marry older men.

Defined Contribution In this type of plan, no set benefit is promised at retirement--an employer agrees to a fixed contribution for each eligible employee. At the time of retirement, the employee has a certain amount of money attributed to her or his account. For two similarly situated workers, one male and one female, an equal amount of money will have been accumulated for each. However, when life expectancy is considered, the female's monthly benefit will be smaller than the male's.

In determining monthly benefit in a defined contribution plan, actuarial tables are used. These tables predict life expectancy for a large group of individuals with specified characteristics and enable insurance companies to predict the cost of paying an annuity to an employed group. For purposes of determining benefits in defined contribution plans tables based on sex are often used. This is the case with the TIAA-CREF plan mentioned earlier.

As mentioned earlier, the rationale for the use of male and female actuarial tables is that women taken as a group live longer than men taken as a group. Women and women's organizations have argued that women and men should not be treated as separate groups, but as an entire pool of employees, and thus all share the same risks and receive the same benefits.

The use of sex-based actuarial tables in pension planning is questioned in light of other factors which are also predictive of life expectancy. 71/ Health, race, and occupation are factors which may be used to show differences in the life expectancy of a group. Clear differences are also found between smoking and non-smoking groups, but these factors are generally not used to determine pension benefit.

The use of sex based tables to determine benefit amount in defined contribution plans has become an issue which involves employers, employees, insurance companies, and Federal and State government agencies, as well as women's groups. The Departments of Health, Education, and Welfare, Labor, and Treasury and the Equal Employment Opportunity Commission have yet to reach consensus on their definition of discrimination in pension plan benefits, and it is hoped that such consensus will provide direction in the current disagreement. If periodic benefits are to be equal for males and females, and the actuarial tables used to compute benefits unified, legislation at the Federal and State levels may be required.

Early Retirement

Some pension plans offer "early retirement." This is a provision which allows a vested worker to collect a reduced pension benefit at an earlier age than normal--perhaps 55 or 60.

If a worker chooses this option, the benefit she or he would have received at normal retirement age is reduced to pay for the extra years' benefits. The use of actuarial tables based on sex in this instance will lead at some point to lower benefits for men than for women.

Survivors' Benefits (Joint and Survivor Option)
A joint and survivor option, often referred to as "survivors' benefits," is a provision in a pension plan which allows protection for coverage of a spouse after the covered employee dies. The homemaker is most affected by this aspect of pension coverage.

It is now required by ERISA that a joint and survivor option be automatic in any plan which offers benefits in the form of an annuity (annuity means periodic payments for a certain length of time rather than a lump sum payment). The employee may elect in writing not to provide benefits for her or his spouse. However, if the option is chosen, the plan must provide to the survivor at least half of the benefit the employee received or would have received. Funds required to pay for the survivor option can be drawn from the pensioner's benefit. In other words, his or her benefit may be reduced to provide a benefit for the surviving spouse. In general, to provide for a spouse a male employee's benefit will be reduced more than a female employee's benefit.

If a plan offers early retirement, it is required that the joint and survivor option be made available at least 10 years before normal retirement age, or on the early retirement date, whichever is later. A vested worker who dies before this option is made available leaves a spouse with no rights to benefits other than contributions the employee may have made to the plan. In an employee benefit package well designed for the employee's spouse, life insurance coverage should provide some financial assistance to the spouse in this instance. However, preferences may differ and some employees prefer higher income when both are alive.

If the vested employee dies before retirement and before the joint and survivor option was made available, the homemaker has no guaranteed rights to the pension benefit. If the vested employee and the spouse had divorced and the employee changed the survivor option to cover a single life or to cover a new spouse, the homemaker would have no access to pension benefits and may be prohibited from receiving benefits in some cases. It is permitted under ERISA for a plan to require that the vested employee (or retiree) be married to the survivor for the year prior to death in order to collect survivor benefits. In proposed regulations issued by Internal Revenue Service, in October 1975, it is permissible also to require marriage to spouse at the time of annuity starting date. Such a requirement is not found in the Act itself.

It is a difficult decision to have to choose between an option that provides benefits to a spouse if the employee dies first and a larger monthly benefit for them both while living. Whatever decision an employee makes, it is not required that a spouse be informed of the decision. This lack of knowledge may disadvantage the homemaker who assumes coverage under her husband's plan, and spouses must take the initiative to learn about their own pension coverage.

INDIVIDUAL RETIREMENT ACCOUNTS

ERISA also provides for pension coverage for people not already covered by a pension plan (except Social Security). For the self-employed and for the employee in an industry not covered by a plan, a worker may put into an Individual Retirement Account 15% of income or $1,500 each year, whichever is less. Neither this money nor the interest on it is taxable until the employee draws on it after retiring. Banks and insurance companies arrange for IRA pension coverage.

SUMMARY

Pension planning is the concern of employees and their spouses. Statistics demonstrate that older Americans (65 and over) are increasing as a percentage of the population. Since 1900 the percentage has doubled, and the 1974 figures indicate one in ten persons in the United States is 65 and over.

At present death rates, the older population is expected to increase 40% to 31 million in the year 2000. And, while older women and older men were represented in almost equal numbers at the turn of the century, in 1974 older women outnumbered older men 143/100. By the year 2000 this ratio is predicted to be 154/100. In 1974, 79% of the older men were married and 54% of older women were widowed. In the same year there were five times as many widows as widowers. 72/

Elderly women, retired or widowed, require as much financial security as elderly men. To provide that security, women must understand the pension practices that will affect their lives. Women employees must know the rules of the pension plan they may be eligible to join. Women homemakers must know whether they have rights to pension benefits on their spouse's account, and the conditions of those rights. Educational programs on pension issues would be helpful, as well.

PENSION CHECKLIST

The following checklist is provided for those who want to work with employee groups and employers, unions and insurance companies to make pension coverage more responsive to the financial needs of older people, so many of whom are women.

Eligibility

1. Who is eligible to participate in a pension plan in x company?

2. Is age for eligibility the same for males and females?

3. Are any groups of employees included while others are excluded? For example, does the plan exclude all the part-time workers, or all of the hourly workers?

Break in Service

1. Does the employer have a break in service rule?

2. Does the employer make exceptions to this rule? For example, is a returning veteran credited with prior service?

Vesting

1. What are the rules for receiving vested benefits?

2. How many years do most employees work for that employer?

3. How many men attain full, rather than partial vesting compared to women?

4. For the latest year data available, what proportion of women acquire vested rights compared to what proportion of men?

Joint and Survivor Option

1. Is it required that the spouse agree to the decision?

2. Is it required the spouse be informed in writing?

3. If a participant's benefit is reduced to cover a surviving spouse, is it restored to the full amount if the spouse pre-deceases the participant?

4. How much would a spouse receive as a benefit? What proportion of the employee's benefit is this?

5. Is the surviving spouse of a vested, but not retired, employee who dies covered? Does the surviving spouse get the benefit the participant would have received?

6. Are both male and female spouses guaranteed coverage under joint and survivor option? Must a male spouse prove dependency? [ERISA requires that plans under the Act's jurisdiction allow joint survivor option to cover both spouses.]

7. Is there a requirement that the participant live for a certain period for the joint and survivor option to be available?

8. Are the survivors' benefits offered through another employee benefit plan (for example a "survivors' pension" or through the life insurance plan)?

9. Is protection offered to minor children or dependent parents? If not through the pension plan, through another employee benefit plan?

10. Is the surviving spouse required to meet any qualifications to obtain survivors' benefits (for example, a requirement that the couple be married a certain length of time, or be married at the time of participant's death)?

Benefits

1. How are benefits applied for? Is there 1) an age limit? 2) an application form? 3) a particular place for the form to be filed? 4) specified time limit to apply?

2. If joint and survivor option is elected, how much will the benefit be reduced?

3. If early retirement is provided, how much will the benefit be reduced?

4. Are actuarial tables separated by sex used to determine benefits?

5. Are there cost-of-living provisions in the plan?

6. What is the amount of benefit accrued by women compared to the amount of benefit accrued by men under the plan?

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PART VI - EMPLOYEE BENEFIT PLANS REQUIRED BY GOVERNMENT

A - Unemployment Insurance

DEFINITION

Unemployment Insurance (also called unemployment compensation) is designed to provide a partial replacement of wages lost when individuals who work for a living become unemployed through no fault of their own and who remain available for work. Unemployment Insurance is available to workers if they meet the eligibility and qualification conditions of State laws.

The UI program, established as part of the Social Security Act enacted in 1935, originally covered 75% of the work force. 73/ Over the years amendments extended coverage to additional groups of workers. The latest such amendment in 1970 extended coverage to employees of small firms, certain state government workers and individuals employed by non-profit organizations. In 1974 a Special Unemployment Assistance Program was enacted to provide temporary protection, during the unusually high unemployment period, to workers still not covered under the regular unemployment insurance programs. 74/

COSTS

The Unemployment Insurance system is a unique Federal-State arrangement. Under the Federal Law, a payroll tax is imposed on employers. If a State enacts an approved UI program, employers in the State may receive credit against most of the Federal tax for administrative costs they pay to the State program. To be approved for this tax credit, the State program must conform to a number of Federal requirements. The States, however, are free to establish qualifying and eligibility requirements, disqualification provisions, benefit levels, and tax structures. The programs are administered by the States with the cost of administration financed by the Federal Government from the small part of the tax employers continue to pay to the Federal government.

COVERAGE

Most workers are now covered by unemployment insurance. The major categories of workers excluded are State and local government employees, farm workers and private household workers. Private household workers have historically been excluded, principally because of anticipated administrative difficulties in establishing wage and employment records for individuals who often work for more than one employer on a regular basis.

Temporary protection (until March 1977) was extended to the 12 million workers not covered by UI through the Special Unemployment Assistance Program enacted in 1974 and mentioned above. Now pending in Congress is legislation which would extend UI coverage for most of these workers. The proposed legislation (H. R. 10210) would extend coverage to private household workers employed by households that pay at least $600 in wages in a calendar quarter for such services.

BENEFITS

When a worker becomes unemployed, benefits become available only if State qualifying and eligibility requirements are met. The individual must have had sufficient employment in a one year base period preceding the claim to meet the qualifying requirements. Requirements vary from State to State but usually are about 20 weeks of work during the base period. The individual must also be able to work, available for suitable work, and seeking work. In addition, the individual will be denied benefits if she or he voluntarily quits the job, was discharged for misconduct or refused an offer of suitable work.

Beyond the eligibility conditions which apply to all employees, special provisions relate primarily to women: pregnancy disqualifications (below) and disqualifications for leaving work due to marital and family obligations (Page 93).

Benefit levels are established by State law. Generally, an individual's weekly benefit amount is computed as over one-half her or his normal average weekly earnings. States provide a ceiling on the maximum weekly benefit amount a claimant may receive. The maximum is either a flat dollar figure or a specified percentage of the statewide average weekly wage. The Federal Government has recommended that each State's maximum weekly benefit amount be set at an amount equal to 2/3 of the statewide average weekly wage. This would permit the great majority of workers to be eligible to draw tax free benefits equal to 50% of gross weekly wage, when they become unemployed.

The duration of benefits is also set by State law. Nine States pay the same number of weeks of benefits uniformly to all eligible claimants. The rest vary duration in accordance with the claimant's base period earnings or employment.

WOMEN AND UNEMPLOYMENT INSURANCE

Pregnancy

Limitations that have been placed on pregnant women are the witholding of benefits for a fixed member of weeks prior to and after birth and disqualification from benefits "due to pregnancy."

In 1963 the President's Commission on the Status of Women and in 1968 the Citizens' Advisory Council on the Status of Women recommended the following:

> Disqualification from unemployment compensation in respect to pregnancy and maternity should be based on reasonable tests of the ability and capacity of the individual to work and should not be determined by arbitrary time periods before and after birth which do not fit the physical ability of women workers, in types of jobs and working conditions. 75/

The Supreme Court decided on November 17, 1975 that a State provision denying benefits to pregnant women during stated time periods is unconstitutional (Mary Ann Turner v. Department of Employment Security and Board of Review of the Industrial Commission of Utah, 96 S. Ct. 249 (1975). The decision effectively strikes provisions in State laws which constitute irrebuttable presumptions that pregnant women are unable to work for specified periods prior to and after childbirth. The decision, however, leaves unanswered the question of whether provisions which disqualify women who are separated from their jobs because of pregnancy are unconstitutional.

The following States currently have provisions which disqualify on the basis of pregnancy: Alabama, Arkansas, Colorado, Delaware, Indiana, Kansas, Maryland, Minnesota, Montana, Nevada, New Jersey, Ohio, Oregon, Rhode Island, Tennessee, and West Virginia. 76/

Clearly, States will be required to comply with the Turner decision, and it is expected that State agencies or departments which administer UI will seek necessary changes quickly. State legislative action may be required in some States to nullify the special pregnancy provisions.

Leaving Work to Meet Domestic and Marital Obligation

Some States which disqualify individuals for unemployment insurance benefits for "voluntary quits" waive that disqualification if an employee leaves work voluntarily with "good cause." "Good cause" includes good personal reasons in a number of States, but in 28 States "good cause" must be job-related.

Women (and, of course, men) who leave their jobs to meet domestic responsibilities (a sick child, for example) or who leave work to fulfill a marital obligation to accompany a spouse to another location are subject to special disqualification in thirteen States: California, Colorado, Idaho, Kansas, Kentucky, Mississippi, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, and West Virginia. 77/

The 1963 President's Commission on the Status of Women and 1968 Citizens' Advisory Council on the Statusof Women adopted the following recommendation:

> Disqualifications from unemployment compensation for voluntarily leaving work should be so limited that an individual who leaves on account of family obligations, or of moving to accompany or be with spouse is not denied benefits for weeks when he or she is in fact ready, willing and able to work. 78/

Dependents' Benefits

In the ten States plus the District of Columbia of Alaska, Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Ohio, Pennsylvania, and Rhode Island dependents' benefits are provided to unemployed workers. 79/

The following is quoted at length from the Department of Labor, Benefit Series Service, Unemployment Insurance report number 304-9, September, 1975, a special supplement on "Women and Unemployment Insurance." It provides a concise explanation of women and dependents' allowances:

> Most discrimination against women occurs in the area of determining dependency. In general, allowances are paid only for specified relatives (the most significant class of dependents being children) who are wholly or mainly supported by the claimant. Because a woman's wages usually are lower than her husband's this support requirement results in the denial of allowances to many wives whose wages are essential to the family's support, and whose unemployment causes severe hardship to the family. Widows and widowers have been denied allowances because their children were receiving survivors' benefits under social security. Similarly, divorced women have been denied allowances because, based on child support payments, fathers were presumed to be the children's chief support. In a State where women can claim allowances for children only if their husbands are totally and permanently disabled, allowances were denied during a father's extended disability because he was expected to recover.
>
> Whether or not the law contains discriminatory language, those who administer the programs tend to accept at face value a father's statement that he has dependent children, but to require the mother to prove that she actually provides more than half their support. 80/

In wife-husband families in 1974 there were more couples with both individuals working than there were single earner couples. Women contributed from 20 to 40% of the income of these families in 1974. 81/ The requirement for women to prove support, disregarding their economic contribution to the family, led the U.S. Department of Labor, Division of Program Policy and Legislation of the Unemployment Insurance Service to present the following consideration:

> A "dependent" should be defined in terms of significant contribution by the claimant to the individual's support. 82/

SUMMARY

Unemployment Insurance coverage is valuable protection against loss of income when a worker is temporarily out of a job. Although the adequacy of the program is of concern to all workers, the following points are of particular concern to women.

Most private household workers are not now covered under Unemployment Insurance. They could be brought into the program with the passage of a Federal statute requiring such coverage. Coverage could also be extended to these private household workers by State legislative action, but only four States have done this.

As a result of the 1975 Supreme Court decision in Turner, States will be required to change pregnancy provisions which represent irrebuttable presumption of inability to work. It is not clear whether provisions that disqualify claimants separated from work because of pregnancy will meet the constitutional test.

In the 13 States which disqualify claimants who leave work for domestic and marital reasons, desired changes in policy may be accomplished through Federal and State legislative action. This is true also for changing the criteria which determine who qualifies for dependents' allowances in the eleven affected States.

UNEMPLOYMENT INSURANCE CHECKLIST

This checklist will help determine the characteristics of Unemployment Insurance in your state.

General

1. What department, office or bureau administers Unemployment Insurance?

Eligibility

1. What workers are excluded from coverage in your State?

2. Are there restrictions on benefits for pregnant women?

3. Are there disqualifications for domestic or marital obligations under "good cause" reasons for leaving a job?

4. What are the eligibility requirements for benefits?

Benefits

1. Are women workers able to claim dependents' allowances? Do women prove support while men do not?

2. Are women workers who are divorced, but who receive child support, eligible for benefits?

3. What is the schedule for payment of benefits? What is the weekly benefit for each salary level? What is the dollar ceiling? What is the duration of benefits? extended in special circumstances?

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PART VI - EMPLOYEE BENEFIT PLANS REQUIRED BY GOVERNMENT

B - Social Security

DEFINITION

Social Security is the familiar term which describes Old Age, Survivors', Disability and Hospital Insurance (OASDHI). Social Security is the most comprehensive of all employee benefit plans, and 9 out of 10 workers in America are covered. 83 / Seventy per cent of those not covered, 6.5 million, are government employees. The purpose of the Social Security program is to provide some protection against wage loss when a worker retires, dies or is disabled.

Social Security was enacted by Congress in 1935 to provide wage loss protection for retired workers in commerce and industry. 84 / Since that time amendments to the Act have increased coverage to include most categories of workers as well as dependents and survivors of retired workers, and disabled workers.

Amendments to the Act since 1939 have, in general, been based on traditional presumptions of family life. The husband has been considered the primary wage earner and the wife and children his dependents. Present day realities of American family life demonstrate that in a majority of wife-husband couples both spouses work in paid employment and thus the traditional assumptions do not fit today's world and cause discrepancy in benefits provided for men and women. 85/ Men, assumed to be "supporters," have had difficulty collecting dependents' benefits. Married working women, assumed "dependent," claim inequitable treatment when they have worked and paid taxes as an individual, but receive as part of a family unit either a spouse's dependency benefit, as do all nonworking wives and widows, or a primary benefit based on their earnings account, whichever is the larger, and additionally the dependency benefits based on their earnings differ from dependency benefits based on men's earnings.

Women and women's groups are bringing pressure for change to be made by the governmental bodies which determine Social Security policy. Proposals for change in Social Security provisions which would benefit women are being considered by Congress, the Administration and the Courts. These changes must be viewed within the context of careful evaluation of the entire Social Security system and all other similar government expenditure programs and their financing. 86 / Increases in benefit levels due to double counting of inflation under the cost-of-living amendments of 1972 and a decreasing number of workers paying taxes compared to those receiving benefits, along with other factors, have been resulting in drawing down the reserves in the Trust Fund so that unless the law is changed, the fund will be exhausted by 1980. The predicted short and long-term deficits of the Trust Fund concern government officials and citizens. To give equity to women and maintain financial solvency will require astute planning in the near future.

Recommendations concerning women and social security reviewed within this paper have been presented by government advisory councils or programs or by Congressional committees. Recommendations regarding the presently unequal treatment between men and women under Social Security provisions will result in changes with passage of the proposed Equal Rights Amendment to the U.S. Constitution, or with Supreme Court decisions similar in philosophy to the Wiesenfeld case (Page 102). All recommendations will require careful consideration of cost impact and will no doubt generate much dialogue by Congress and the public.

ELIGIBILITY

Eligibility for participation in the Social Security program is broad. Nearly all paid employment and self-employment is included, and coverage is compulsory. The major exception to Social Security coverage is for employees of governments who are covered under separate, individual-equity retirement systems (for example, civil servants, teachers, fire and police workers). Non-government workers covered by private individual equity plans are compulsorily covered under OASDHI and thus, unlike government employees, contribute to the social adequacy benefits under the program.

In Parts I - VI A of Women and Employee Benefit Plans, part-time workers and private household workers were often excluded from eligibility to coverage under the plan. Under Social Security, payroll and matching employee taxes are compulsory for these covered employees earning more than $50 in a calendar quarter.

COSTS

Social Security is financed by payroll taxes through which employers and employees pay equal percentages on employee earnings. The percentage of tax and the maximum taxable salary base are set and increased by Congress. In 1976 the tax (including Medicare) on workers and on employers was for each, 5.85% of wages up to $15,300 a year. Self-employed workers are taxed at 7.9% of wages, up to the same ceiling. Payroll taxes collected in 1975 totalled about $86 billion, and in the same year about $93 billion was paid in benefits (including Medicare) to over 32 million Americans. 87/

Because Social Security is paid by employee/employer taxes, there is (except for some male survivors) no "means test" required if a worker is eligible for benefits. "Means tests" are generally required for programs financed out of general revenue funds.

Also, Social Security is financed by the "current cost" method, in which the present worker generation is taxed to pay benefits to the presently retired generation. This method of financing is unlike other employee benefit plans, but is considered sound as long as revenue exceeds outgo and there is a contingency reserve. Recently payments out have been exceeding revenues but it is within the government power to tax future workers at higher rates and on a higher base. Some restructuring of the benefits and/or increased taxation are being considered by Congress and the Administration.

BENEFITS

Benefits, except Medicare, are paid to covered workers and their dependents partly on the basis of past earnings record. Medicare for the aged is a health insurance program which pays hospital and medical expenses, and is reviewed separately, on page

The earnings record of a worker is the number of covered years (each year has 4 quarters) worked and their total earnings. "Covered years" are years in employment for which Social Security taxes were paid by the employee and employer. The average monthly earnings computed are total earnings divided by all the months which have elasped since the worker is age 21 and has first worked in covered employment. Five "dropout" years are permitted to yield a higher benefit especially for those who have not worked in covered employment every quarter of each year or those who have had some years of low pay.

If a worker meets the required minimum standard of covered years or covered quarters, she or he will be eligible for a benefit at retirement, disability or death. To be "fully insured" the worker must have quarters of coverage equal to one-quarter of the time elapsed since 1950 or age 21. "Disability insured" status requires both fully insured status and a recent work requirement of 20 covered quarters in the last 40 quarters. 88 / Payments at disability, death or retirement depend upon the insured status of the worker.

If the worker is covered the requisite years or quarters she or he is insured for monthly benefits. Payments for retirement benefits are made in full at age 65, with a reduced payment made if the worker chooses to retire and collect at age 62. Once a choice has been made for a reduced benefit at age 62, whether collecting on one's own or on a spouse's account, a change can not be made at a later age. This is an important point for a woman who is eligible on her own account at age 62, and then expects to switch to her husband's account when he reaches age 65. In effect, once she applies for a benefit on either account at age 62, she applies for both.

Low-paid workers receive payments which are a higher percentage of their past earnings record than high-paid workers. This is called the "weighted benefit formula," and it has served to the advantage of low-paid working women, if they collect on their own earnings record, and/or are married to low-earning men.

Payment of benefits is made to the worker on the basis of the worker's earnings account. This is often referred to as the worker's Primary Insurance Account or PIA. However, payments are also made to dependents of covered workers. Generally, the following are the categories of dependents who are eligible on the worker's account. Age requirements for eligiblity to actuarially reduced payment are also listed. Full payment (except dependent parents who get full benefit at age 62) is made at age 65.

Categories of dependents* of covered workers are defined as follows:
...wives (and divorced wives who were married continuously for 20 years or more), age 62. If wives (or husbands) remarry they are no longer eligible for benefits on the former spouse's account.
...widows (or widowers) under age 62 with dependent children in care.
...wives under age 62 of retired workers with dependent children in care.
...dependent husbands, age 62.
...unmarried children under 18, or 22 if full time students.
...widows, age 60.
...dependent widowers, age 60.
...dependent parents, age 62.
...disabled widows, age 50.
...dependent, disabled widowers, age 50. 89/

Medicare

In 1965 Congress enacted Medicare, comprised of two programs for the aged. One program is directed to hospital expenses for the aged, the other covers physician care and other medical expenses. Often these programs are referred to as Part A and Part B Medicare and will be reviewed as such. 90/ Total expenditures by the Federal government are expected to be over $17 billion under Medicare in fiscal 1976.

Part A Medicare - Hospital Insurance

Part A Medicare covers hospital insurance for the aged, subject to a $104 deductible and various co-payments after the sixtieth day of hospitalization, and is officially entitled "Hospital Benefits for the Aged and Disabled." The funds to pay for hospital insurance are included in the compulsory employer-employee tax and thus, in general if one is entitled to retirement benefits and is age 65, one is enrolled. If an individual is disabled, enrollment is available after the individual collects disablility payments for 24 consecutive months. If an individual 65 and over is not eligible for Social Security benefits, enrollment in Hospital Insurance is possible if she or he pays a monthly premium to the Social Security Administration.

Hospital Insurance covers expenses for inpatient services for up to 90 days in a

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* wives, widows and mothers who meet all other entitlement requirement are assumed dependent; husbands, widowers and fathers who meet all other entitlement requirements must prove one-half support.

"spell of illness." The extensive definitions and exclusions in coverage under Part A Medicare are too detailed to review within the purpose of this paper, but, in general, it provides payment for expenses of bed and board, in-hospital drugs, nursing and similar para-medical services, in-hospital tests and X-rays, but not physicians' fees.

Part B Medicare - Supplemental Medical Insurance
Part B Medicare is officially entitled "Supplemental Medical Insurance Benefits for the Aged and Disabled." Enrollment in Part B Medicare is automatic for those already covered under Part A Medicare, although individuals may elect out of coverage. When enrolled, participants pay a monthly premium. Those over 65 not covered by Part A Medicare are eligible for supplemental medical insurance enrollment during certain periods, and must also pay a monthly premium. Monthly premiums are approximately $7.00. Part B Medicare is financed through enrollee premiums as well as by monies appropriated by the Government.

Payments for expenses under Part B Medicare are directed at providing protection beyond the Part A hospital insurance program. Those enrolled in Part B Medicare must, in general, absorb a deductible and a percent of charges similar to major medical coverage in private health insurance policies. An enrolled claimant may be paid for fees for physicians' services, home visits, out-of-hospital laboratory work, radiology, ambulance service, prosthetic devices, among others.

The requirements for Social Security benefits and Medicare are complex, and there is no attempt here to be comprehensive. With the background provided, however, the concerns of women and Social Security may be explored.

WOMEN AND SOCIAL SECURITY 91/
Concern for current women beneficiaries under the Social Security system stems from the fact that Social Security is a main source of income for elderly women. 92/ Women are likely to live longer than men, and they also are less likely to participate in the labor force after age 65. 93/

In June 1975 there were about 16 million women beneficiaries and 11 million male beneficiaries. 94/ The average monthly benefit for men at that time was $225, for women $180. 95/ The disparity in average monthly benefit results from the earnings and paid work experience of women, which are not equal to the earnings and experience of men. 96/

It is recognized that sound financing of programs under Social Security is essential and that changes to strengthen protection are costly. 97/ Major issues concerning equity for women employees and men dependents and equity for those women who work at home are reviewed below. It should be understood by readers that there are proponents and opponents to proposed changes in the Social Security system. Therefore, readers are urged to review the recommendations thoroughly, by means of the footnotes and references listed.

Following this review is a chronological list of Government Task Force, Council and Commission studies which have made recommendations on some of these issues, and they are presented in their simplest form without comment and without reference to estimated cost as such information is beyond the scope of the series. These proposals are being reviewed by the Administration and Congress with respect to their cost and impact. Individuals interested in these issues are referred to the reference items, Page 107.

Benefits for Husbands

It is generally argued that women who have worked under covered employment are not given equal return for taxes paid, as husbands must prove dependency to collect dependents' benefits; wives do not. If both husband and wife work, the wife may collect on her own account or on the account of her husband, as a dependent, whichever produces a larger monthly entitlement. This is not true for the husband. It has been argued that husbands be provided the choice of dependents' benefit without proof of need. 98/ It has also been recommended concomitantly that spouses be provided benefits equally as dependents, but that they should subtract any pension amount based on work not covered by Social Security from the dependents' allowance. 99/

These recommendations would apply as well to husbands who are divorced, widowers, disabled, or fathers with minor children. The requirements that determine whether women get benefits as dependents if divorced, widowed, disabled or left with minor child would apply to men. The 1975 Supreme Court decision in Weinberger v. Wiesenfeld, 95 S. Ct. 1225 (1975), struck the provision that the widowed father caring for minor children must prove dependency. Passage of the Equal Rights Amendment would require that other discriminatory provisions be changed, so that the law treats men and women equally.

Benefits for Working Married Couples

Under Social Security all workers are taxed as individuals, but benefits are paid to family units. A couple with two-earners working at low wages may earn together the same total dollars and pay the same total of social security taxes as another covered couple with one earner. However, the one earner couple will in many cases get a larger monthly benefit than will the two earner couple when the dependents' benefit is added to the worker's benefit. Proposals have been recommended which would allow couples to combine earnings up to the taxable base so that the two earner, low-earning couple with salary equal to the one earner couple would get at least as much as the one earner couple in Social Security benefit. 100/ Proposals to give greater equity to single persons without dependents within the definitions of the Act are made from time to time, but receive little political support.

Disabilities

If a widow or dependent widower of a covered worker is disabled she or he can not collect benefits until age 50, unless caring for dependent children. It has been recommended that age requirements for disabled widows and widowers be removed. 101 /

Currently, disability coverage is only available if a worker had been covered for the 5 years of the 10 years prior to disability. This requirement has affected those women who were covered, but left the labor force, and subsequently became disabled. If they lacked the 5 years (or 20 quarters) of covered work, they would not be eligible for benefits. It has been recommended by some, but not by the Advisory Council on Social Security in 1975, that this requirement be liberalized. 102 /

Dependent spouses who are disabled are not eligible for benefit until age 62, as are all dependent spouses. Some have recommended that they be eligible at an earlier age. 103/

Widows and Widowers (Surviving Spouses)

Currently Social Security will pay benefits to widows and dependent widowers of covered workers at age 62. If the mother or father has care of minor children, she or he receives benefits at a younger age but must, as all retirees, pass an earnings test. That is, if she or he works and earns more than the limit of $2,760 (in 1976), she or he is ineligible for $1 of benefit for every $2 earned above the limit. Among other liberalization of benefits which various groups have supported are the earnings test be eliminated, 104/ and a transitional benefit be provided to childless spouses at a covered worker's death 105/ to aid an unemployed spouse to receive training to support herself or himself upon a spouse's death.

Marriage Requirements

Divorced women who have depended on their husbands must have been married for 20 continuous years to be eligible for dependents' benefits. Proposals to make this requirement more flexible or to lower the length of marriage requirement have been recommended by some and opposed by others to ease the situation of the divorced dependent woman. 106/

Women who have been divorced or widowed and are eligible for benefits who then remarry may lose benefit rights upon remarriage. Some persons and groups support that the remarriage of a Social Security beneficiary not lessen benefit rights. 107/

Benefit Computation and "Drop-out Years"

Women who are eligible for Social Security coverage, but who left the labor force for a number of years, must average in no and low earning years with covered years.

Five no and low earning years are allowed to be dropped from the computation. Some persons recommend that additional years be disallowed. In part, this would aid women who, upon retirement, find their monthly benefit on their own account is smaller than the benefit they receive as a dependent on their husband's account. 108/

Language Which Denotes Gender
Noun and pronoun references to workers and dependents in Social Security laws have generally been gender based (he, his, wife, widow).

It has been recommended that the use of gender-based references be eliminated whereever possible. 109/

Social Security for Homemakers
Currently there are proposals which would provide coverage for homemakers in their own right. 110 / The enactment of these proposals would eliminate some of the difficulties with dependency coverage mentioned above , but would be costly to American taxpayers. Questions concerning the provision of coverage for homemakers include: 1) the estimated high cost 2) determining what new taxes would finance their coverage 3) whether coverage would be voluntary or compulsory and 4) how to estimate the contribution of women and men to the family in dollar amounts. Proposals to impute income for services provided in the home which can be purchased on the market (whether performed by women or men) raise the legal question of whether such "imputed" income would be subject to income tax.

Government groups that have presented studies on the Social Security system and its effect on women include:

1)
1963 - President's Commission on the Status of Women, Report of the Committee on Social Insurance and Taxes. The Committee explored the economic situation of women under the program and adopted two recommendations concerning widows and dependents of single persons.

2)
1968 - Citizens' Advisory Council on the Status of Women, Report of the Task Force on Social Insurance and Taxes. The Task Force explored at length available proposals to correct inequities and adopted recommendations to benefit working wives, aged widows, disabled widows, and additional dependents.

3)
1970 - President's Task Force on Women's Rights and Responsibilities. Recommended benefits be provided equally for spouses of disabled or deceased workers and that working wives' contributions be treated more equitably.

4)
1972 - Report of the Women's Action Program, Department of Health, Education, and Welfare. In a report which surveyed D/HEW programs and their effect on women it was recommended that research be done on women and Social Security and that benefits be applied equally to the sexes.

5)
1973 - Hearings held before the Joint Economic Committee, U.S. Congress, July and August 1973, addressed economic status of women. This Committee heard testimony on the inequities women encounter under Social Security. Chair of the Committee, Congresswoman Martha Griffiths, filed legislation to correct some areas of inequities.

6)
1974 - Advisory Committee on Women's Rights and Responsibilities, Department of Health, Education, and Welfare. Reported on recommendations for working couples and for homemakers, as well as presented a review of sex discriminatory provisions which would be challenged with passage of the proposed Equal Rights Amendment.

7)
1974 - U.S. Civil Rights Commission. "Toward Elimination of Sex-Based Differentials in the Social Security System." Statement of the Commission tothe 1975 Advisory Council on Social Security (See 8). Report addresses broad range of issues and makes 14 recommendations.

8)
1975 - U.S. Quadrennial Advisory Council on Social Security. The Council in their report to Congress, March 10, 1975, recommended that men and women be treated alike in respect to dependency benefits. That neither men nor women should need to prove dependency, but rather that prospectively "...pensions based on a person's work in employment not covered by Social Security will be subtracted from his [or her] Social Security dependents' benefits," p. xvi. This in effect works as a partial and simple means test. They also recommended that words denoting gender be eliminated where practical. See especially in that report the Supplementary statement of Rita Ricardo Campbell, page 73ff., who chaired the Council's Subcommittee on "Treatment of Men and Women," and dissented from the Subcommittee Report.

9)
1975 - Department of Health, Education, and Welfare, Social Security Administration, published a pamphlet (No. SSA 75-10127) entitled A Woman's Guide to Social Security. It describes, for working women and homemakers, the rules and restrictions on Social Security coverage.

10)
1975 - U.S. Senate, Special Committee on Aging, Task Force on Women in Social Security. Published a working paper on women and social security which explores 15 areas of special concern to women as workers and as homemakers. Makes recommendations for Committee action in preparation for hearings scheduled October 1975.

11)
1975 - U.S. Senate, Special Committee on Aging. Hearings entitled "Women and Social Security," October 1975. Heard testimony on the issues from the public and government officials.

12)
1975 - Citizens' Advisory Council on the Status of Women recommended that dependents of covered workers be treated equally; that the SSA publication A Woman's Guide (9 above) be widely disseminated; that words denoting gender not be used.

SUMMARY

Although some changes concerning equity for women have been made in Social Security coverage in the past decade, there has not been action on the above proposals. Women and women's groups have become increasingly active in issues affecting older women and this involvement will continue. It is hoped that the background and chronology provides an introduction to the issues. For a further investigation of women and Social Security, the reader is urged to look at the References section.

A checklist is not provided for social security as the regulations are established at the Federal level and are consistent throughout the country. Questions about eligibility, costs and benefits are answered in the Social Security pamphlets listed in the References or available at local Social Security offices. Recommendations about Social Security should be addressed to the Secretary of Health, Education, and Welfare and your Senators and Representatives in Congress.

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United States Senate, Special Committee on Aging. Women and Social Security: Adapting to A New Era. Washington, D.C., 1975.

(This paper is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, for $1.10.)

Women and Social Security - packet of research notes available at:
The Office of Research and Statistics
Social Security Administration
U.S. D/HEW
1875 Connecticut Ave. N.W.
Washington, D. C. 20009

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7/ Interview with Steven Hercenberg, Bureau of Labor Statistics, U.S. Department of Labor, December 1975.

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99/ See Report Number 7.

100/ See Report Numbers 2; 3; 6; 7; 10; 12.

101/ See Report Numbers 1; 2; 7; 10.

102/ See Report Numbers 6; 7; 10.

103/ See Report Numbers 7 and 10.

104/ See Report Number 7.

105/ See Report Numbers 1 and 7.

106/ See Report Numbers 7 and 10.

107/ See Report Numbers 6 and 10.

108/ See Report Numbers 6; 7; 10.

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APPENDIX 1

WOMEN AND INSURANCE: STATE REPORTS

Employee benefit plans insure against wage loss or financial drain resulting from sickness, injury, retirement, loss of job or death. Insurance policies written to protect employees are purchased as group plans.

Insurance is sold in two forms: group and individual. As employee benefit plans are group plans, the issues which concern women and individual policies will not be explored. Individuals interested in women and individual policy coverage are urged to become acquainted with recent reports issued in the States of Pennsylvania, New York, Michigan, Iowa, California, and Colorado. Information on availability follows.

Pennsylvania Insurance Department. Insurance Commissioner's Advisory Task Force on Women's Insurance Problems: Final Report and Recommendations. June, 1974.

Available: Pennsylvania Insurance Department
Harrisburg, PA 17120

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New York State Senate. Insurance and Women. October 1974.

Available: Task Force on Critical Problems
New York State Senate
Albany, New York 12224

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Michigan Department of Commerce. Women's Task Force Report to the Michigan Commissioner of Insurance on Sex Discrimination in Insurance. June 1975.

Available: Michigan Department of Commerce
Bureau of Insurance
Lansing, Michigan 48913

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California Commission on the Status of Women. Women and Insurance. February 1975.

Available: State of California
P.O. Box 20191
Sacramento, California 95820

Cost: $3.65

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Iowa Commission on the Status of Women. A Study of Insurance Practices that Affect Women. February 1975

Available: Iowa Commission on the Status of Women
300 4th Street
Des Moines, Iowa 50319

Cost: $1.50

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Lawyers for Colorado's Women, Colorado Commission on the Status of Women. Sex Discrimination in Health and Disability Insurance. February 1975.

Available: Colorado Commission on the Status of Women
Box 294, Colorado Women's College
Denver, Colorado 80220

Cost: $1.50

APPENDIX 2
FACT SHEET ON WOMEN IN THE WORK FORCE 111 /

WOMEN WORKERS

There were 33.4 million working women in 1974 representing 39% of the civiliam work force. Women comprised 34% of all full time employees and 64% of part time employees in 1974.

Between 1950 and 1974 women steadily increased their percentage of labor force participation. In 1974, nearly 46% of all women were working. More than half (54%) of all women had some work experience in 1973.

UNEMPLOYED

Of unemployed women in 1974, 36% were re-entrants into the labor force, 16% were new entrants. Of men, 22% were re-entrants; only 11% are new entrants.

Of the 39.6 million women and the 13.5 million men who did not want paid employment in 1974, 80% of the women gave home responsibilities as the reason for their non-participation. Only 2% of the men who did not want to work gave the same explanation.

INCOME

In 1973, of all of the income women received, 74% was from wages and salaries, 2% from self-employment and the remainder from retirement, welfare and private sources. The median annual income of women in 1973 was never more than 2/3 of that of men similarly employed. From 1967 to 1974, median weekly earnings of full time women workers remained at about 60% of the earnings of men working full time.

FAMILY STRUCTURE

In 47% of husband-wife families both were earners; in 31% of the husband-wife families the husband was the only earner in 1973. (22% had no earners, or were supported by others).

Families headed by females were 12.4% of all families in 1974. Half of the females who headed families were in the work force.

JOB TENURE

In 1973, women had 2.8 median years on the job and men in that year had a median of 4.6 years. In 1973, women with 10 years or more on the job comprised 18% of female workers, while men with 10 or more years on the job comprised 30% of male workers.

In the measurement of current years on the job, men consistently outdistance women in length of time--this difference is greatly increased in themiddle years, the prime working age groups. While the labor force participation of men peaks in their middle years with 97% of men in the labor force in the ages of 35-44, women show a different pattern of work force participation. Women in 1974 peaked in their earlier years (20-24) with 62% of women working--they decrease and climb again in participation in later years. Despite this fluctuation more than half of all women in most age groups work.

APPENDIX 3
FACT SHEET ON FEDERAL EMPLOYMENT DISCRIMINATION LAWS
(Concerning Employee or "Fringe" Benefits)

The Laws and Executive orders reviewed below have been issued by the Federal Government. Most States have passed fair employment practice laws, prohibiting sex discrimination in employment. 112/ Readers are urged to inquire about State laws which contain provisions on fringe benefits, as well as the Federal laws listed below.

There are Federal laws and Executive orders prohibiting discrimination in fringe benefits as follows:

. . . in wages (Equal Pay Act)
. . . by Federal contractors (Executive Order 11246, as amended)
. . . in employment practices (Title VII of the Civil Rights Act)
. . . by federally assisted educational institutions (Title IX of the Education Amendments 1972)
. . . by governments receiving revenue sharing money (State and local Fiscal Assistance Act, 1972)

Issues of concern to women in the area of fringe benefits are:

. . . the definition of discrimination as it applies to contributions made on the behalf of the employee for fringe benefits.
. . . the treatment of pregnancy and complications of pregnancy under health and disability benefit plans.
. . . the provision of benefits to wives and families.
. . . the provision of benefits to "primary wage earner" as it serves to exclude females.
. . . different age requirements for the sexes for eligibility and benefits.

The Equal Pay Act of 1963, 201 USC 206 (d), as amended in 1972, prohibits discrimination in wages (salaries and benefits) on the basis of sex. The law is administered by the Wage and Hour Division of the U.S. Department of Labor. Payments made by an employer on behalf of the employee are subject to Equal Pay provisions. The Administrator of the Wage and Hour Division has ruled that the employer will not be in violation of the Act if the employer's contributions for a male and female employee are equal or if the resulting benefits are equal (29 CFR 800.116). Complaints of discrimination on the basis of the Equal Pay Act are made to the local office of the Wage and Hour Division.

Executive Order 11246, 1965 as amended by Executive Order 11375, 1967 prohibits discrimination in employment by Federal contractors. Contractors who execute federally funded projects are subject to charges of discrimination, investigation by compliance officers, and possible loss of contracts. The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, is responsible for enforcement of this Executive order. The Department issued sex discrimination guidelines in 1970 which held that fringe benefit contributions or resulting benefits must be equal for men and women (41 CFR Chapter 60-20). The guidelines also required that women not be penalized on account of pregnancy in employment practices. In 1973 the Department issued "Proposed Revised Sex Discrimination Guidelines," and held hearings in 1974 which sought public opinion on the 1970 equal contributions/equal benefits guidelines. Final regulations have not yet been issued. Complaints concerning Federal contractors should be filed with the Office of Federal Contract Compliance Programs.

Title VII of the Civil Rights Act of 1964 is a statute which prohibits discrimination in any employment practice by an employer of 15 or more employees. The Equal Employment Opportunity Commission (EEOC) is the Federal agency responsible for enforcement of the Act. Guidelines pertaining to fringe benefits issued by EEOC in 1972 (29 CFR Sec 1604.9 and 1604.10) include the following prohibitions:

. . .it is unlawful to discriminate between men and women with respect to fringe benefits, and it will be no defense that the cost of such benefits is greater with respect to one sex than the other.

. . .it is unlawful to make available benefits to the wives and families of male employees where the same benefits are not available to women employees and their families.

. . .it is unlawful to limit benefits to "primary wage earner" or "head of household" if such definition excludes women employees.

. . .it is unlawful to require different complusory retirement ages for different sexes.

. . .pregnancy and complications of pregnancy should be treated as temporary disabilities under health, sick or disability plans.

Complaints of discrimination under Title VII should be filed with the District Offices of the EEOC, located in major cities throughout the country.

Title IX of the Education Amendments of 1972 prohibits sex discrimination in any education program or activity receiving Federal financial assistance. The prohibition extends to many areas of education including employment--thus, discrimination in provision of employee benefits is prohibited. The Office for Civil Rights, Department of Health, Education and Welfare administers Title IX and issued regulations effective July 1975 (41 CFR Part 86). With regard to fringe benefits D/HEW has adopted the ruling of OFCCP, Department of Labor (above) in requiring either equal contributions or equal benefits by the employer. D/HEW has noted that Federal agencies concerned with fringe benefits differ in opinion as to what constitutes discrimination and when consensus is reached, D/HEW will modify its position if warranted. Complaints of discrimination should be filed with the Office for Civil Rights, Department of Health, Education, and Welfare.

The State and Local Fiscal Assitance Act of 1972 (Revenue Sharing) allocates funds to state and local governments. The Act includes prohibitions against discrimination in employment practices by the recipient governments. The Office of Revenue Sharing, Department of the Treasury is responsible for enforcement of the Act. The Office of Revenue Sharing promulgated regulations on non-discrimination in October 1975 (40 FR 50028) which amend previous regulations issued April 1973. These regulations provide that:

. . . it is unlawful to provide for both unequal contributions and unequal benefits in the areas of pension and retirement plans, insurance or other fringe benefit programs.

. . . it is unlawful for a recipient government to base any employment action on any one's household status.

. . . pregnancy and complications of pregnancy should be treated as temporary disabilities for all job related purposes.

As in regulations issued by D/HEW for Title IX, the Department of the Treasury noted that when discrepancies are resolved between Federal agencies on the equal benefit/equal contribution requirements, the Treasury will make its regulations conform. Complaints of discrimination should be filed by letter with the Secretary of the Treasury, Washington, D. C..

APPENDIX K

MEMORANDUM: SOCIAL SECURITY

The Citizens' Advisory Council on the Status of Women, consistent with its concern for equalizing treatment for our citizens, has reviewed the Report, dated March 6, 1975 issued by the Advisory Council on Social Security. The Council on Social Security had been announced by the Secretary of Health, Education and Welfare in April, 1974. The complete report entitled "Reports of the Quadrennial Advisory Council on Social Security" is available from the U.S. Government Printing Office, Washington, D.C. 20402, for $1.95.

The Citizens' Advisory Council on the Status of Women, after study and consideration of portions of the report relating to equality for women, has made the attached four recommendations to the Secretary of Health, Education, and Welfare.

Our objective is to alert individuals and organizations, both public and private, to proposed changes in the Social Security system, and to call attention to problems. We hope to stimulate interest and action on the part of citizens and organizations across the nation.

The Citizens' Advisory Council on the Status of Women wishes to acknowledge with grateful appreciation the background information and assistance given the Council by Dr. Rita Ricardo Campbell, a member or our Council and a member of the Advisory Council on Social Security, 1975.

Most sincerely,

Jacqueline G. Gutwillig

JACQUELINE G. GUTWILLIG
Chairperson

RECOMMENDATION - - Concerning Provision of Dependents' and Survivors' Benefits To Husbands.

The Citizens' Advisory Council on the Status of Women recommends to the Secretary of Health, Education, and Welfare the adoption of the following which is included in the Report of the Advisory Council on Social Security, 1975 under the "Summary of Findings and Recommendations." (page XVI)

> "The requirements for entitlement to dependents' and survivors' benefits that apply to women should apply equally to men; that is, benefits should be provided for fathers and divorced men as they are for mothers and divorced women and benefits for husbands and widowers should be provided without a support test as are benefits for wives and widows."

RATIONALE

Wives and widows of workers covered under Social Security now receive dependents' or survivors' benefits or secondary benefits without proving that they depend upon that husband for support. If a wife or widow receives a benefit based on her own earnings and OASDI taxes paid, it is called a primary benefit. She can receive the larger of the two, her own or her secondary, but not both. Husbands, and widowers do not receive an automatic secondary benefit unless they can prove (by means of a lengthy form) that they have depended upon their wives for more than half of their support.

The Advisory Council on Social Security notes that "adoption of the proposed Equal Rights Amendment would raise serious doubts as to the constitutionality of any provision in the Social Security Act which is different for men and for women." (Ibid page 25.)

In Weinberger v. Wiesenfeld, 95 S. Ct. 1225 (1975), the Supreme Court's decision supports this recommendation, although in the case of Wiesenfeld the care of minor children was involved.

The Citizens' Advisory Council on the Status of Women, along with the Advisory Council on Social Security, recognizes that adoption of the above recommendation will incur cost. It is suggested by the Advisory Council on Social Security that a portion of the increased cost be off set from other pension income received by the secondary beneficiary, for example, through pensions from noncovered private and governmental employment. Our main concern, the equity of the issue, warrants our recommendation as it is stated.

RECOMMENDATION -- Concerning Two-Earner Couples in Lower Income Brackets

The Citizens' Advisory Council on the Status of Women recommends to the Secretary of Health, Education, and Welfare that the Social Security Law should provide, as recommended by the Subcommittee on the Treatment of Men and Women to the Advisory Council on Social Security, 1975, that a combined earnings approach be adopted to assure that low income,

> "two-earner couples with significant attachment to the labor force would always get at least as much in benefits as single-earner couples with comparable covered earnings." (Ibid, page 30.)

RATIONALE

The Advisory Council on Social Security explained the Sub-Committee's proposal as follows:

> "Under the Subcommittee's proposal such working couples who become entitled to benefits in the future would have the option of receiving retirement benefits based on their combined earnings (with the combined earnings in any year not being permitted to exceed the maximum taxable earnings for an individual). Since higher benefits than under present law would be provided for the couples affected, the proposal could be viewed as providing a larger return on the contributions paid by a working wife with relatively low earnings whose husband also had relatively low earnings. Thus, the proposal would respond in part, to the complaint of some married women workers that they do not get a return for their own contributions when the wife's benefit, based on the husband's earnings, exceeds her own retirement benefit." (Ibid)

The Citizens' Advisory Council on the Status of Women recognizes that the majority of the whole Advisory Council on Social Security did not concur in their Sub-Committee's findings and cited reasons below:

1) benefits are not necessarily proportional to contributions, so there is no reason to expect the equity and
2) there is a point beyond which it is difficult to justify adding complex exemptions to the Social Security law in the interest of providing benefits in direct relation to contributions for special groups.

The Citizens' Advisory Council on the Status of Women member, Dr. Rita R. Campbell, also a member of the Advisory Council on Social Security and a member of the Sub-

Committee, recorded the following statement in support of the proposal:

> "The Council's refusal to recommend "fairer" tax treatment of the twenty-two millions of married women who work and many of whom earn little and yet pay OASDI taxes on what are low earnings* is an example of the dangers in "tinkering" rather than restructuring social security into a logical part of the U.S. total system of taxes and social benefits. There are hundreds of thousands of couples, the precise numbers are not known, where both the husband and wife work, earn relatively low wages and pay a tax on those wages and who when they retire at age 65 receive not more but less than other couples where the husband has worked and earned the equal of the two-worker family's combined wages and his wife has not worked. For example, as stated in the Report of the Subcommittee on the Treatment of Men and Women, a husband with average, annual earnings of $4,000 and a wife with average, annual earnings of $4,000 each receive $228.50 a month on retirement at age 65, or a monthly total of $457.00, which is $17.50 less than $474.50 or one and one-half the monthly primary benefit payable to a married worker with average, annual earnings of $8,000 and a spouse who has not worked in covered employment. Further, this situation also exists for comparable families with average annual earnings of $6,000.
>
> "To cite a more general example, consider the difference in benefits upon retirement for two families: Family A, where the wife works and earns 40 percent each year of the family income, the husband 60 percent; and Family B, where the wife does not work. Since the social security program began, the annual earnings of the two families are equal and year-by-year are equal to the maximum, annual earnings tax base which is also used to compute benefits. If it is assumed that all four individuals are 65 during the first six months of 1975, the husband in Family A would receive $226.50 monthly benefit and the wife, whose earnings were considerably less, $179.60, for a total monthly retirement benefit of $406.10. In Family B, where the husband alone has worked, he and his wife would receive a much greater monthly retirement benefit, the husband's primary of $316.30 plus one-half of this amount ("rounded") or $158.20, (a secondary benefit) for his "presumed dependent" wife, or $474.50 in total. For each year that Family B receives retirement benefits, it would receive $820.80 more (before automatic adjustments to take account of cost-of-living increases) than the two-worker family, Family A." (Ibid. page 74.)

---

*In 1973, the median earnings of full-time working women were 57 percent of the median earnings of full-time working men. (U.S. Census. CPS. P-60, No. 93, July 1974, p. 2.)

The Citizens' Advisory Council on the Status of Women notes that its recommendation would help only those married working women who with their husbands earn less or equal to the taxable base and thus are in the low and low-middle income groups.

RECOMMENDATION - - Concerning Social Security Information Available to Women

The Citizens' Advisory Council on the Status of Women recommends to the Secretary, Health, Education, and Welfare that, as many amendments have made the Social Security program so complex that even well-informed citizens do not have available clear and concise information regarding their status, or benefits rightfully theirs, or how to obtain such information, that through Social Security sources readily available now, a concerted effort be made to inform the general public and especially working women, widows and still married women what their status will be under the existing Social Security Act upon retirement and not wait to give such information upon request when they apply for their retirement benefits.

The June, 1975 pamphlet of the Department of Health, Education, and Welfare, "A Women's Guide to Social Security" (SSA 75-10127) has responded in large part to this recommendation. This Council commends this Social Security Administration effort and recommends that the availability of this pamphlet be widely publicized.

RATIONALE

One of the main functions of government is to make available information enabling individuals to make rational choices. The Citizens' Advisory Council on the Status of Women has made this recommendation to spotlight the problem many women face with Social Security - - they just don't know its rules. For example, many widows return to the work force in their fifties, and pay social security taxes at considerable financial sacrifice in the belief that they will increase their social security benefits upon their retirement. In most cases their benefits are no higher than if they had not worked and paid these taxes.

RECOMMENDATION -- Concerning Use of Words Denoting Gender

The Citizens' Advisory Council on the Status of Women recommends to the Secretary, Department of Health, Education, and Welfare the adoption of the Advisory Council on Social Security's recommendation that

> "Words that do not denote gender should be used in the Social Security provisions of the law whenever it is practical to do so." (Ibid., italics, page 32.)

RATIONALE

This recommendation was made and accepted by the entire Advisory Council on Social Security, and their Report has provided explanation, as follows:

> For example, where possible it would be preferable for the law to refer to "spouse" instead of to "wife" or "husband", and to "surviving spouse" instead to to "widow" or "widower", etc. The Council understands that there is a general principle of statutory construction that calls for interpreting words in a provision of law which denote the male sex as meaning either sex unless there is something else in the law or or in the legislative history of the provision which precludes such an interpretation. The Council agrees that this should be the case where it is not practical to use words that do not denote gender (and, in fact, followed the practice in this report of using "he" where "he or she" is meant)." (Ibid.)

College Plans of High School Seniors, by Sex and Race for Those Reporting: October 1974, October 1973, and October 1972*

(Civilian noninstitutional population)

Year, race, and sex	Number reporting college plans (thousands)	Percent of total			
		Plan to attend college	May attend college	Plan to or may attend vocational school	Do not plan to attend any school
TOTAL					
1974	3,406	43.6	26.9	10.3	19.2
1973	3,346	42.9	28.4	10.9	17.8
1972	3,242	46.2	27.1	12.0	14.6
Male					
1974	1,650	40.9	28.5	11.2	19.6
1973	1,710	43.5	28.6	9.6	18.3
1972	1,670	46.1	29.8	10.2	13.8
Female					
1974	1,755	46.2	25.4	9.6	18.8
1973	1,637	42.3	28.2	12.2	17.2
1972	1,573	46.3	24.3	13.8	15.4
WHITE					
1974	2,927	44.6	26.2	9.7	19.6
1973	2,858	43.2	27.6	11.2	18.1
1972	2,785	46.4	26.4	12.0	15.2
NEGRO					
1974	422	36.0	31.8	14.5	17.8
1973	451	38.6	34.1	10.0	17.5
1972	413	44.6	33.4	11.4	10.9

*Data from the U.S. Census Bureau, Series P-20, No. 284, September 1975

APPENDIX M

MEMORANDUM--Need to Examine the Quality of Health Care Programs for Female Offenders

The Citizens' Advisory Council on the Status of Women has adopted the following recommendation:

> It is recommended to the National Association of Commissions for Women and member Commissions and Councils for Women at the State, County and Municipal levels and to organizations and groups concerned with the problems females encounter once incarcerated in United States jails and prisons THAT they examine and work to improve the health care and medical facilities available to women inmates.

The Council emphasizes the need for investigation into the provision of adequate health care for females in the 3,800 county and local jails, 40 State prison facilities, 3 Federal facilities and in those predominantly male facilities which house female offenders.

The attached memorandum is designed to be helpful to any groups undertaking the suggested review. References are also listed to enable a full exploration of points briefly touched within the memorandum. It is hoped that this memorandum and the references will stimulate organizations to improve health care for women offenders.

Sincerely,

Jacqueline G. Gutwillig

Jacqueline G. Gutwillig
Chairperson

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WHAT IS MEANT BY HEALTH CARE?

Health care for girls and women in jails and prison is inclusive of both:
. . . physical (obstetrical-gynecological, pathological, therapeutic treatment for drug and alcohol abuse, dental and nutritional) services and
. . . mental (counseling, psychiatric, supportive) services.

Health care for girls and women in jails and prison should be evaluated:
. . . throughout intake procedures.
. . . during medical and psychiatric crises.
. . . during incarceration, be it short or long term.
. . . for acute, chronic and pre-existent symptoms.

Also, when evaluating health care services in an institution which services females, a view must be taken of the facilities (including staff) which provide those services. Additionally, it is recognized that, although the 50 states differ in per capita income and thus available tax revenues to be spent on any goods or services, it is possible for each state to establish some minimal, acceptable level of health services in its prisons. Presumably that level would have some relationship to whatever health services are provided by the state under Medicaid. (The only state without a Medicaid program is Arizona.)

WHY FOCUS ON HEALTH CARE?

> "Adequate medical care is basic, as food and shelter are basic."
> (Corrections, 1973)
>
> Upon entering prison, an inmate's self is systematically, if often unintentionally, mortified... As in every other phase of the operation of a women's prison, human dignity must be respected. (Eyman, 1971).
>
> When a person is convicted of a criminal offense and is sentenced to a term in a correctional institution, he (sic) loses a number of rights. Access to medical care, however, is not one of the rights forfeited. (Brecher and Della Penna, 1976).

As will be demonstrated, the right to adequate health care is often abridged for the female offender. Her difficulties require our extra and careful attention.

The Council expresses deep appreciation to the Council Subcommittee on Women Offenders, for the extensive efforts and time devoted to make this memorandum possible. We especially wish to thank Dr. Ruth Fink, who submitted a paper to us for consideration and to each of the Subcommittee Members: Mrs Yetta Wasserman, Chair; Honorable Hazel Palmer; Member; Miss Sarah Jane Cunningham, Member; Mrs. Irene Wischer, Member. The Council also expresses appreciation to Mrs. Elsie Denison and Mrs. Euphesenia Foster, Women's Bureau who focused our attention in this area.

The Citizens' Advisory Council on the Status of Women wishes to stress at this time that adequate and relevant health services and facilities are a pivotal factor for an individual's growth: without physical and mental well-being an offender finds it difficult to have essential security in her self or her world. The Citizens' Advisory Council on the Status of Women does not ignore other critical needs in institutions serving women, and recognizes the need for proper standards and goals in:
. . . legal and family services
. . . education (vocational and personal) and
. . . employment and employability (Fink, 1975).

WHAT IS THE FEMALE OFFENDER POPULATION?

ADULTS	
STATE & FEDERAL INSTITUTIONS	6,684*
JAILS	8,300+
JUVENILE DETENTION	
PUBLIC DETENTION FACILITIES	10, 637=

*FROM LEAA CENSUS, DECEMBER 1973
+FROM LEAA SAMPLE SURVEY, DECEMBER 1972
=FROM LEAA CENSUS, JUNE 1973

Females comprise 15% of the arrested population according to Federal Bureau of Investigation statistics. They may not comprise a large percentage of inmates because the sentences served are generally of short duration.

STATUS OF HEALTH CARE IN JAILS AND PRISONS

The problems in providing adequate health care for a jailed or imprisoned female are not simple. While it may be stated that there is a lack of trained staff and available facilities (U.S. Civil Rights Commission, 1974-75, Velimesis, 1975; Eyman, 1971) it is also true that this view is shared as a source of frustration for inmates and staff alike. In many cases where the superintendent, warden or medical director may want to provide a service, budgets strictly limit any additional staff or facility. (Ris, 1975; Brecher and Della Penna, 1976; Eyman, 1971). Involvement in upgrading care for girls and women must include work with all levels: with the institution, with the governing authority, with the legislature, with the executive, with concerned citizen groups, as well as with private groups who may be providers of health services.

The female population in a male/female prison is often a small one and, therefore, staff and facilities available to female prisoners are sometimes lacking. A greater use of medical personnel on a part-time or consulting basis should be encouraged. Health problems of women which differ from those of men and may require access to different specialists are primarily in the area of obstetrics and gynecology. Pregnant women are especially susceptible to nutritional deficiencies and special diets may be needed in some prisons for this particular group.

Women and men prisoners both may require medical treatment for epilepsy, drug and alcohol abuse, venereal disease, cosmetic disfiguration, as well as psychological support and counseling. Epilepsy is a disorder that is of particular concern because the symptoms resulting from epilepsy or from curative medication produce behavior which may be misinterpreted by authorities. In Pennsylvania the incidence of epilepsy is nearly three times as frequent for the imprisoned population as for the general population (Velimesis, 1975). Unique characteristics of juvenile and aged inmates should involve special attention. Young females, incarcerated very frequently for "status" offenses (offenses for which there would be no penalty if adult) require psychological and social support. The young female offenders are a population which also evidence considerable health complications(Ris, 1975; Brecher and Della Penna, 1976), and it is suggested that the system itself may produce health problems in these young women (Velimesis, 1975). For the aged, notice must be given to the problems faced by the elderly in and out of prison: fears resulting from a strange environment, physical difficulties of ailing heart and arterial problems, senility, arthritis and others.

A REVIEW OF SERVICES IN JAILS AND PRISONS

The U.S. Civil Rights Commission has received a series of seven reports on prisons from State Advisory Committees in Alabama, Arizona, Colorado, Delaware, New York, Kansas, and West Virginia (U.S. Civil Rights Commission, 1974-75). Each of these reports has explored the realities of health care (and other services) for women in correctional facilities within the State. From these reports we can fully understand that there is a range in the level of health services provided in different States and in some States these services appear to be below a minimal acceptable level. Some excerpts follow:

Alabama

> In Newman v. State, Federal District Judge Frank M. Johnson cited prison authorities for "having fallen short of supplying the constitutionally required level of medical treatment. . ." (Alabama, page 27.)

> Even though an average of seven or eight babies are delivered each year at Tutwiller (the Women's Prison), Judge Johnson noted: "The delivery table has no restraints, paint is peeling from the ceiling above it, and large segments of the linoleum floor around the table are missing. There are no facilities to resuscitate newborn or otherwise provide adequate care should any complication arise during delivery." (Alabama, page 30.)

Delaware

This facility is a small one (Women's Correctional Institution, Price's Corner) but demonstrates the difficulty experienced by both staff and inmates in providing adequate care.

> Neither blood tests nor gynecological examinations are given the women on a regular basis. If an inmate wants a physical examination she must request one. Upon entering the institution, the inmate is placed in a sleeping area separate from the others until the doctor has seen her. According to inmates, the waiting period may be as long as 14 days. If the new inmate is on drugs, she will have to suffer withdrawal without medical help. Under these circumstances, inmates said, the matron will tell the new inmate she should have thought of the pain before taking the drug. The women's facility has a part-time drug counselor, but inmates said this is not helpful to women undergoing withdrawal. Psychological counseling is not available at WCI. It was charged that disturbed inmates are put in the cellblock and left there. (Delaware, page 48.)

New York

The Women's Facility - Bedford Hills

> All inmates entering the facility receive a thorough physical examination during a two week isolation period. According to the supervising physician, the examination includes a heart and lung examination, chest x-ray, a complete blood test, urinalysis, Pap test, and tests for venereal diseases.
>
> A number of charts were reviewed by the Advisory Committee team. One chart revealed a patient with nephrotic syndrome. Her record included laboratory confirmation of the problem, but it failed to indicate evidence of proper therapy. Records written by the nurses were rarely signed; those written by doctors, many of which were illegible, were generally signed.
>
> Inmates interviewed by the Advisory Committee team had numerous complaints about the medical facilities and services. Some complained about sick wing cells, which they said were stark and lacked toilet facilties. Other said that

> they were often told, "There's nothing wrong with you," and "It's all in your head." They said that one medication, which they presumed to be aspirin, was given for practically all ailments. Others said that they would have to wait as long as a week to see a physician. Others complained that one of the doctors who was not a gynecologist performed unnecessary gynecological examinations. (New York, page 57-58.)

Colorado

The Advisory Committee reported that women receive routine physical checkups, dental service and were provided a physician making sick calls twice a week. However, interviews with inmates led to the following observation in regard to the diet:

> . . . the staff member in charge of the kitchens did not want to be bothered with special medical diets and reported directly to the associate warden any inmates who were not eating. . . Other inmates said that the food at the institution was extremely high in starches, and the majority of the women interviewed affirmed that they had gained weight. (Colorado, page 82.)

STANDARDS, GOALS, AND METHODS FOR PROVISION OF HEALTH CARE

The definition of what health care should be has been aided recently by publication of excellent references, as follows:

1. Proposed Pennsylvania Criminal Justice Goals and Standards for Women Margery L. Velimesis, Director, 1975.
   In the Proposed Pennsylvania Program physical and psychological standards are suggested based on years of work with the woman offender in Pennsylvania.

2. Health Care in Correctional Institutions, Edward M. Brecher and Richard D. Della Penna, expected 1976.
   In Health Care in Correctional Institutions the authors have offered mechanisms on how to provide services within some of the existing problems of finances, staffing, and conflicting priorities which face today's jails and prisons.

3. The Integration of a Comprehensive Medical Program in a Juvenile Correctional Institution, Hania W. Ris, M. D., 1975.
   Hania W. Ris, M. D. in The Integration of a Comprehensive Medical Program, has described the medical, psychological, educational and recreational services which a Wisconsin institution, under her directorship, has established.

4. "Health Services for Women Prisoners," The Women Offender Report, by Mary E. King and Judy Lipshutz.
   The authors report in the above article on expected publication of Health Standards

and Goals, a manual to be made available by The American Public Health Association. It will include a chapter, by the authors, on health care for female offenders. These publications provide standards for assessing health care needs in institutions.

FROM HERE. . . .WHERE?

Courts have established that ". . . a prisoner has a Federally protected right to medical treatment" (U.S. Civil Rights Commission, Arizona, 1974).

The lack of adequate physical and mental health care for females has been established (U.S. Civil Rights Commission, 1974-75; Velimesis, 1975).

There are now published and available standards for such basic treatment (Velimesis, 1975; King, 1975) and prescriptions for meeting those standards (Ris, 1975; Brecher and Della Penna, 1976).

It remains the reponsibility of those institutions involved in corrections to provide that care, but it is the obligation of citizens and citizen groups to become catalysts to see that this is done. Quoting standards and outlining need is not enough; working with the providers of the health services, aiding in increased funding or staff reallocation, working on the details of establishing a new program -- all of these are a part of the Need to Examine the Quality of Health Care Programs and Medical Facilities.

To organizations and associations:
. . .involved in health and medicine, psychology and social work
. . .involved in inequities faced by women
. . .involved in correctional reform
. . .involved in corrections and government

The Citizens' Advisory Council on the Status of Women urges you to focus time and attention so that the goal of adequate health care is realized.

REFERENCES

Brecher, Edward M. and Richard D. Della Penna. Health Care in Correctional Institutions: A Prescriptive Packet. A joint project of the American Correctional Association and the American Bar Association with grant monies from the Law Enforcement Assistance Administration, 1976.

Availability of this packet is expected in February, 1976. It will be sent to individuals calling the LEAA Reference Service 202-755-9709.

"Corrections," report of the National Advisory Commission on Criminal Justice Standards, 1973.

Eyman, Joy S. Prisons for Women: A Practical Guide to Administration Problems. Charles C. Thomas: Springfield, Illinois, 1971.

Fink, Ruth. "Women in the American Penal System." Paper presented to the Council, 1975.

King, Mary E. and Lipshutz, Judy. "Health Services for Women Prisoners," The Women Offender Report. Vol. 1, No. 3, 1975.

Full report is expected in 1976 from the American Public Health Association, 1015 18th St., N.W., Washington, D.C.

Ris, Hania W., M.D. "The Integration of a Comprehensive Medical Program in a Juvenile Correctional Institution," Journal of the American Medical Women's Association, Vol. 30, No. 9, September, 1975.

United States Civil Rights Commission, Reports to the Commission from Advisory Committees in the States of: Alabama, Arizona, Colorado, Delaware, New York, Kansas, and West Virginia, 1974-75.

Velimesis, Margery L. "Goals Regarding Health Care," Proposed Pennsylvania Criminal Justice Goals and Standards for Women. Pennsylvania Program for Women and Girl Offenders, 1975.

Available at Pennsylvania Program for Women and Girl Offenders, 1530 Chestnut Street, Philadelphia, Pennsylvania 19102. Cost $3.00.

APPENDIX N

HOUSEHOLDS BY TOTAL MONEY INCOME IN 1969 AND 1974, IN CONSTANT 1974 DOLLARS, BY SELECTED CHARACTERISTICS *

INCOME

SEX OF HEAD OF HOUSEHOLD	Total		Under $4000		$4000 to $6999		$7000 to $9999		$10000 to $14999		$15000 to $24999		$25000 and over	
	1974	1969	1974	1969	1974	1969	1974	1969	1974	1969	1974	1969	1974	1969
FEMALE HEAD	23.6	21.1	60.7	54.9	36.5	33.8	25.3	21.3	13.4	10.5	6.6	5.8	3.6	4.1
MALE HEAD	76.4	78.9	39.3	45.1	63.5	66.2	74.7	78.7	86.6	89.5	93.4	94.2	96.4	95.9
Totals	100	100	100	100	100	100	100	100	100	100	100	100	100	100

* U. S. Census Bureau, Series P-60, No. 100, August 1975

APPENDIX O

NATIONAL WOMEN'S CONFERENCE BILL (H.R. 9924)

Ms. Abzug (for herself, Mrs. Burke, Mrs. Boggs, Mrs. Chisholm, Mrs. Collins, Mrs. Fenwick, Mrs. Heckler, Ms. Holtzman, Ms. Jordan, Ms. Keys, Mrs. Meyner, Mrs. Mink, Mrs. Pettis, Ms. Schroeder, Mrs. Spellman, Mr. Conyers, Mr. Harrington, Mr. Maguire, Mr. McCloskey, Mr. Moffatt, Mr. Moss and Mr. Ryan) sponsor the following:

AN ACT

To direct the National Commission on the Observance of International Women's Year, 1975, to organize and convene a National Women's Conference, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

FINDINGS

Section 1. The Congress hereby finds that---

(1) International Women's Year, and its World Plan of Action, have focused attention on the problems of women throughout the world, and have pointed to the need for an evaluation of the discrimination which American women face because of their sex;

(2) the Bicentennial year of 1976 is a particularly appropriate time for the United States to recognize the contributions of women to the development of our country, to assess the progress that has been made toward insuring equality for all women, to set goals for the elimination of all barriers to the full and equal participation of women in all aspects of American life, and to recognize the importance of the contribution of women to the development of friendly relations and cooperation among nations and to the strengthening of world peace; and

(3) a national conference of American women, preceded by State conferences, is the most suitable mechanism by which such an evaluation of the status of women and issues of concern to them can be effected.

DUTIES OF COMMISSION

Sec. 2

(a) The National Commission on the Observance of International Women's Year, 1975, established by Executive Order 11832 on January 9, 1975 (hereinafter in this Act referred to as the "Commission"), is hereby continued. The Commission shall organize and convene a national conference to be known as the National Women's Conference (hereinafter in this Act referred to as the "Conference"). The Conference and State or regional meetings conducted in preparation for the Conference shall be held in such places and at such times in 1976 as the Commission deems appropriate.

(b) The Commission shall consult with such National, State, and other organizations concerned with women's rights and related matters as the Commission considers necessary to carry out the purpose of this Act.

COMPOSITION AND GOALS OF THE CONFERENCE

Sec. 3

(a) The Conference shall be composed of---

(1) representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(2) members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

(b) The Conference shall---

(1) recognize the contributions of women to the development of our country;

(2) assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;

(3) assess the role of women in economic, social, cultural, and political development;

(4) assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;

(5) identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such barriers can be removed;

(6) establish a timetable for the achievement of the objectives set forth in such recommendations; and

(7) establish a committee of the Conference which will take steps to provide for the convening of a second National Women's Conference. The second Conference will assess the progress made in achieving the objectives set forth in paragraphs (5) and

(6) of this subsection, and will evaluate the steps taken to improve the status of American women.

(c) All meetings of the Conference and of State or regional meetings held in preparation for the Conference shall be open to the public.

POWER OF COMMISSION

Sec. 4 The Commission shall---

(1) designate a coordinating committee in each State which shall organize and conduct a State or regional meeting in preparat[illegible]or the Conference;

(2) prepare and make available background materials relating to women's rights anf related matters for the use of representative to the State and regional meetings, and to the Conference;

(3) establish procedures to provide financial assistance for representatives to the Conference who are unable to pay their own expenses;

(4) establish such regulations as are necessary to carry out the provisions of this Act;

(5) designate such additional representatives to the Conference as may be necessary and appropriate to fulfill the goals set forth in section 3 (b) of this Act;

(6) grant technical and financial assistance by grant, contract, or otherwise to facilitate the organization and conduct of State and regional meetings in preparation for the Conference;

(7) establish such advisory and technical committees as the Commission considers necessary to assist and advise the Conference; and

(8) publish and distribute the report required under this Act.

ADMINISTRATION OF COMMISSION

Sec. 5.

(a) The Commission may appoint such staff personnel as it considers necessary to carry out its duties under this Act. Such personnel shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-18 of the General Schedule. Appointments shall be made without regard to political affiliation.

(b) The Commission may accept, use, and dispose of contributions of money, services, or property.

(c) The Commission may use the United States mails under the same conditions as other departments and agencies of the United States.

(d) The powers granted the Commission by this section shall be in addition to those granted by Executive Order 11832. The powers granted the Commission by Executive Order 11832 may be employed to fulfill the responsibilities of the Commission under this Act.

(e) The Commission, to such extent as it deems necessary, may procure supplies, services, and personal property; make contracts; expend funds appropriated, donated, or received in pursuance of contracts hereunder in furtherance of the purposes of this Act; and exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this Act.

(f) The powers granted the Commission under this Act may be delegated to any member or employee of the Commission by the Commission.

STATE AND REGIONAL MEETINGS

Sec. 6

(a) A meeting in preparation for the Conference shall be held in each State in accordance with regulations promulgated by the Commission, except that in the event the amount of time and resources available so requires, the Commission may combine two or more such State meetings into a regional meeting.

(b) Any State or regional meeting which receives financial assistance under this Act shall be designed and structured in accordance with the goals of the Conference set forth in section 3 (b) of this Act.

(c) (1) Each State or regional meeting shall select representatives to the Conference in accordance with regulations promulgated by the Commission and consistent with the criteria set forth in section 3 (a) of this Act.

(2) The total number of representatives selected under this subsection shall be apportioned among the States according to population, except that despite such apportionment no State shall have fewer than ten representatives.

REPORT

Sec. 7 The Commission shall submit a report to the President and to each House of the Congress not later than one hundred and twenty days after the conclusion of the Conference, and shall make such report available to the general public. Such report shall contain a detailed statement of the findings and recommendations of the Conference with respect to the matters described in subsection (b) of section 3. The President shall, not later than one hundred and twenty days after the receipt of the report, submit to each House of the Congress recommendations with respect to matters considered in such report.

TERMINATION OF COMMISSION

Sec. 8 The Commission shall continue in operation until thirty days after submitting its report pursuant to section 7, at which time it shall terminate, but the life of the Commission shall in no case extend beyond March 31, 1978.

AUTHORIZATION OF APPROPRIATION

Sec. 9 There are authorized to be appropriated without fiscal year limitation, such sums, but not to exceed $5,000,000, as may be necessary to carry out the provisions of this Act. Such sums shall remain available for obligation until expended.

No funds authorized hereunder may be used for lobbying activities.

DEFINITION

Sec. 10 For the purpose of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Passed the House of Representatives December 10, 1975.

Passed the Senate December 11, 1975.

Public Law 94-167.

APPENDIX P

ACKNOWLEDMENTS

The Council expresses deep appreciation to the individuals who shared their knowledge with us in 1975. The following women are specially thanked for speaking with us at our May and September meetings.

MARIWYN HEATH, Business and Professional Women's Foundation

KATHLEEN DAY, National Association of Broadcasters

PATRICIA GRACE, National Association of Broadcasters

CLELIA STEELE, Project on Equal Education Rights (PEER)

GWENDOLINE GREGORY, Office for Civil Rights, Department of Health, Education, and Welfare

EMILY HAWKINS, Juvenile Justice and Delinquency Task Force, U. S. Justice Department

PATRICIA LINDH, Special Assistant to the President for Women

BERNICE SANDLER, Project on the Status and Education of Women, Association of American Colleges

MARY ALLEN JOLLEY, American Home Economics Association

MARGERY VELIMESIS, Women and Girl Offender Project, Inc. of Pennsylvania

BARBARA FISS, U.S. Civil Service Commission

The Council was established by Executive Order 11126 in 1963 on the recommendation of the President's Commission on the Status of Women, which was chaired by Mrs. Eleanor Roosevelt. Miss Margaret Hickey was the first chairperson of the Council, followed by Senator Maurine B. Neuberger. Mrs. Jacqueline G. Gutwillig is its third chairperson. Council members are appointed by the President and serve without compensation. Under the provisions of Section 14 of the Federal Advisory Committee Act (5 USC App. 1) President Gerald R. Ford continued the Council until January 5, 1977. One of the Council's primary purposes is to suggest, to arouse public awareness and understanding, and to stimulate action with private and public institutions, organizations and individuals working for improvement of conditions of special concern to women.

The views expressed by the Council cannot be attributed to any Federal agency.